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1. Treason — Trials* — Gt. Br.
2. omit.
E1

THE

TRIAL

OF

THOMAS HARDY

FOR

High Treaſon,

AT THE

SESSIONS HOUSE IN THE OLD BAILEY,

ON

Tueſday the Twenty-eighth, Wedneſday the Twenty-ninth, Thurſday the Thirtieth, Friday the Thirty-firſt of October; and on Saturday the Firſt, Monday the Third, Tueſday the Fourth, and Wedneſday the Fifth of November, 1794.

VOL. I.

JEROME B. HOWARD
CINCINNATI, OHIO

TAKEN IN SHORT-HAND,

By JOSEPH GURNEY.

LONDON:

SOLD BY MARTHA GURNEY, BOOKSELLER, HOLBORN HILL.

1794.

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TRIAL

OF

THOMAS HARDY

FOR

HIGH TREASON.

On the tenth day of September, 1794, a Special Commiſſion of Oyer and Terminer was iſſued under the Great Seal of Great Britain to inquire of certain High Treaſons and Miſpriſions of Treaſon within the County of Middleſex.

On Thurſday, the ſecond of October, the Special Commiſſion was opened at the Seſſion Houſe in Clerkenwell:

PRESENT,

The Right Honourable Sir JAMES EYRE, Knt. Lord Chief Juſtice of his Majeſty's Court of Common Pleas;

The Right Honourable Sir ARCHIBALD MACDONALD, Knt. Lord Chief Baron of his Majeſty's Court of Exchequer;

The Honourable Sir BEAUMONT HOTHAM, Knt. one of the Barons of his Majeſty's Court of Exchequer;

The Honourable Sir FRANCIS BULLER, Baronet, one of the Juſtices of his Majeſty's Court of Common Pleas;

The Honourable Sir NASH GROSE, Knt. one of the Juſtices of his Majeſty's Court of King's Bench;

The Honourable Sir SOULDEN LAWRENCE, Knt. one of the Juſtices of his Majeſty's Court of King's Bench;

And others his Majeſty's Juſtices, &c.

After the Commiſſion had been read, the Sheriff delivered in the pannel of the Grand Jury, which was called over, when the following Gentlemen were ſworn.

THE GRAND JURY.

Benjamin Winthrop, Eſq.

John Henry Schneider, Eſq.
Edward Ironſide, Eſq.
Benjamin Kenton, Eſq.
Rawſon Hart Boddam, Eſq.
John Aris, Eſq.
William Pardoe Allet, Eſq.
John Perry, Eſq.
Henry Peter Kuff, Eſq.
Thomas Winſlow, Eſq.
Thomas Cole, Eſq.
Samuel Hawkins, Eſq.
George Ward, Eſq.
Thomas Boddam, Eſq.
Joſeph Lancaſter, Eſq.
Robert Wilkinſon, Eſq.
George Galway Mills, Eſq.
Henry Wright, Eſq
John Hatchett, Eſq.
Rowland Stephenſon, Eſq.
John Campbell, Eſq.

LORD

LORD CHIEF JUSTICE EYRE.

Gentlemen of the Grand Inqueſt,

You are aſſembled under the authority of the King's commiſſion, which has been iſſued for the hearing and determining of the offences of high treaſon, and miſpriſions of treaſon, againſt the perſon and authority of the King.

That which hath given occaſion for this commiſſion is that which is declared by a late ſtatute, namely, "That a traiterous "and deteſtable conſpiracy has been formed for ſubverting the "exiſting laws and conſtitution, and for introducing the ſyſtem "of anarchy and confuſion which has ſo lately prevailed in "France;" a crime of that deep malignity which loudly calls upon the juſtice of the nation to interpoſe, "for the better pre-"ſervation of his Majeſty's ſacred perſon, and for ſecuring the "peace, and the laws and liberties of this kingdom."

The firſt and effective ſtep in this, as in the ordinary criminal proceedings, is, that a Grand Jury of the country ſhould make public inquiſition for the King, ſhould diligently inquire, diſcover, and bring forward to the view of the criminal magiſtrate, thoſe offences which it is the object of this ſpecial commiſſion to hear and to determine.

You are Jurors for our Sovereign Lord the King; you are ſo ſtiled in every indictment which is preſented; but let the true nature of this ſervice be underſtood. The King commands you to enter upon this inquiry; but the royal authority in this, as in all its other functions, is exerted, and operates ultimately for the benefit of his people. It is the King's object, his duty, to vindicate his peace, his crown, and dignity, becauſe his peace, his crown, and dignity, are the ſubjects' protection, their ſecurity, and their happineſs.

It is ultimately for them that the laws have thrown extraordinary fences around the perſon and authority of the King, and that all attempts againſt the one or the other are conſidered

as the higheſt crimes which can be committed, and are puniſhed with a ſeverity which nothing but the *ſalus populi* can juſtify.

The buſineſs of this day calls upon me (in order that you may the better underſtand the ſubject which is to come before you) to open to you the nature of that offence, which I have before ſpoken of in general.

An ancient ſtatute, 25 Edward III, has declared and defined it. I ſhall ſtate to you ſo much of that declaration and definition as appears to me to have any probable relation to the buſineſs of this day.

By that ſtatute it is declared to be high treaſon to compaſs or imagine the death of the King, provided ſuch compaſſing and imagination be manifeſted by ſome act or acts proved (by two witneſſes) to have been done by the party accuſed in proſecution of that compaſſing and imagination; that is, from the moment that this wicked imagination of the heart is acted upon, that any ſteps are taken in any manner conducing to the bringing about and effecting the deſign, the intention becomes the crime, and the meaſure of it is full.

Theſe acts or ſteps are technically denominated Overt Acts; and the forms of proceeding in caſes of this nature require that theſe overt acts ſhould be particularly ſet forth in every indictment of treaſon; and, from the nature of them, they muſt conſtitute the principal head of inquiry for the Grand Jury.

Theſe overt acts involve in them two diſtinct conſiderations; 1ſt, The matter of fact of which they conſiſt; in the next place, the relation of that fact to the deſign.

With reſpect to the mere matter of fact, it will be for the Grand Jury to inquire into the true ſtate of it; and I can have very little to offer to your conſideration reſpecting it: and, with reſpect to the queſtion, whether the fact has relation to the deſign, ſo as to conſtitute an overt act of this ſpecies of treaſon, which involves conſiderations both of fact and of law, it is impoſſible that any certain rule ſhould be laid down for your government; overt acts being in their nature all the poſſible means which may be uſed in the proſecution of the end propoſed; they

can

can be no otherwiſe defined, and muſt remain for ever infinitely various.

Thus far I can inform you: that occaſions have unhappily, but too frequently, brought overt acts of this ſpecies of treaſon under conſideration; in conſequence of which we are furniſhed with judicial opinions upon many of them; and we are alſo furniſhed with opinions (drawn from theſe ſources) of text writers—ſome of the wiſeſt and moſt enlightened men of their time, whoſe integrity has been always conſidered as the moſt prominent feature of their character, and whoſe doctrines do now form great landmarks, by which poſterity will be enabled to trace, with a great degree of certainty, the boundary lines between high treaſon, and offences of a lower order and degree.

It is a fortunate circumſtance that we are thus aſſiſted; for it is not to be diſſembled that, though the crime of high treaſon is "the greateſt crime againſt faith, duty, and human ſociety," and though "the public is deeply intereſted in every proſecution of this kind, well founded," there hath been, in the beſt times, a conſiderable degree of jealouſy on the ſubject of proſecutions for high treaſon; they are ſtate proſecutions, and the conſequences to the party accuſed are penal in the extreme.

Jurors and Judges ought to feel an extraordinary anxiety that proſecutions of this nature ſhould proceed upon ſolid grounds. I can eaſily conceive, therefore, that it muſt be a great relief to Jurors placed in the reſponſible ſituation in which you now ſtand, bound to do juſtice to their country and to the perſons accuſed, and anxious to diſcharge this truſt faithfully; ſure I am that it is conſolation and comfort to us, who have upon us the reſponſibility of declaring what the law is in caſes in which the public and the individual are ſo deeply intereſted; to have ſuch men as the great Sir Matthew Hale, and an eminent Judge of our own times, who, with the experience of a century, concurs with him in opinion, Sir Michael Foſter, for our guides.

To proceed by ſteps: from theſe writers upon the law of treaſon (who ſpeak, as I have before obſerved, upon the authority of adjudged caſes) we learn, that not only acts of immediate and direct attempt againſt the King's life are overt acts of com-

paſſing his death, but that all the remoter ſteps, taken with a view to aſſiſt to bring about the actual attempt, are equally overt acts of this ſpecies of treaſon; even the meeting and the conſulting what ſteps ſhould be taken in order to bring about the end propoſed, has been always deemed to be an act done in proſecution of the deſign, and as ſuch an overt act of this treaſon—This is our firſt ſtep in the preſent inquiry. I proceed to obſerve that the overt acts I have been now ſpeaking of have reference, nearer or more remote, to a direct and immediate attempt upon the life of the King; but that the ſame authority informs us, that they who aim directly at the life of the King (ſuch, for inſtance, as the perſons who were concerned in the aſſaſſination plot in the reign of King William) are not the only perſons who can be ſaid to compaſs or imagine the death of the king. The entering into meaſures which, in the nature of things, or in the common experience of mankind, do obviouſly tend to bring the life of the King into danger, is alſo compaſſing and imagining the death of the King; and the meaſures which are taken will be at once evidence of the compaſſing, and overt acts of it.

The inſtances which are put by Sir Matthew Hale and Sir Michael Foſter (and upon which there have been adjudged caſes) are of conſpiracies to depoſe the King; to impriſon him; to get his perſon into the power of the conſpirators; to procure an invaſion of the kingdom. The firſt of theſe, apparently the ſtrongeſt caſe, and coming the neareſt to the direct attempt againſt the life of the King; the laſt, the fartheſt removed from that direct attempt, but being a meaſure tending to deſtroy the public peace of the country, to introduce hoſtilities, and the neceſſity of reſiſting force by force, and where it is obvious that the conflict has an ultimate tendency to bring the perſon and life of the King into jeopardy; it is taken to be a ſound conſtruction of the ſtatute 25 Edward III, and the clear law of the land, that this alſo is compaſſing and imagining the death of the King.

If a conſpiracy to depoſe or to impriſon the King, to get his perſon into the power of the conſpirators, or to procure an invaſion of the kingdom, involves in it the compaſſing and imagining of his death, and if ſteps taken in proſecution of ſuch a con-

ſpiracy are rightly deemed overt acts of the treaſon of imagining and compaſſing the King's death; need I add, that if it ſhould appear that it has entered into the heart of any man, who is a ſubject of this country, to deſign to overthrow the whole government of the country, to pull down and to ſubvert from its very foundations the Britiſh monarchy, that glorious fabric which it has been the work of ages to erect, maintain, and ſupport, which has been cemented with the beſt blood of our anceſtors; to deſign ſuch a horrible ruin and devaſtation, which no King could ſurvive, a crime of ſuch a magnitude that no lawgiver in this country hath ever ventured to contemplate it in its whole extent; need I add, I ſay, that the complication and the enormous extent of ſuch a deſign will not prevent its being diſtinctly ſeen, that the compaſſing and imagining the death of the King is involved in it, is in truth of its very eſſence.

This is too plain a caſe to require further illuſtration from me. If any man of plain ſenſe, but not converſant with ſubjects of this nature, ſhould feel himſelf diſpoſed to aſk whether a conſpiracy of this nature is to be reached by this medium only; whether it is a ſpecific treaſon to compaſs and imagine the death of the King, and not a ſpecific treaſon to conſpire to ſubvert the monarchy itſelf; I anſwer, that the ſtatute of Edward III, by which we are governed, hath not declared this (which in all juſt theory of treaſon is the greateſt of all treaſons) to be high treaſon.

I ſaid no lawgiver had ever ventured to contemplate it in its whole extent; the ſeditio regni, ſpoken of by ſome of our ancient writers, comes the neareſt to it, but falls far ſhort of it: perhaps if it were now a queſtion whether ſuch a conſpiracy ſhould be made a ſpecific treaſon, it might be argued to be unneceſſary: that in ſecuring the perſon and authority of the King from all danger, the monarchy, the religion and laws of our country are incidentally ſecured; that the conſtitution of our government is ſo framed, that the imperial crown of the realm is the common centre of the whole; that all traiterous attempts upon any part of it are inſtantly communicated to that centre, and felt there; and that, as upon every principle of public policy and juſtice

they are punishable as traiterous attempts against the King's person or authority, and will, according to the particular nature of the traiterous attempt, fall within one or other of the specific treasons against the King, declared by the statute of 25 Edward III. this greatest of all treasons is sufficiently provided against by law.

Gentlemen, I presume I hardly need give you this caution, that though it has been expressly declared, by the highest authority, that there do exist in this country men capable of meditating the destruction of the constitution under which we live, that declaration, being extrajudicial, is not a ground upon which you ought to proceed.

In consequence of that declaration it became a public and indispensable duty of his Majesty to institute this solemn proceeding, and to impose upon you the painful task of examining the accusations which shall be brought before you; but it will be your duty to examine them in a regular judicial course, that is by hearing the evidence, and forming your own judgment upon it.

And here, as I do not think it necessary to trouble you with observations upon the other branches of the statute 25 Edward III, the charge to the grand inquest might conclude; had not the particular nature of the conspiracy, alledged to have been formed against the state, been disclosed, and made matter of public notoriety by the reports of the two houses of parliament, now in every one's hands: but that being the case, I am apprehensive that I shall not be thought to have fulfilled the duty, which the Judge owes to the Grand Jury, when questions in the criminal law arise on new and extraordinary cases of fact; if I did not plainly and distinctly state what I conceive the law to be, or what doubts I conceive may arise in law, upon the facts which are likely to be laid before you, according to the different points of view in which those facts may appear to you.

It is matter of public notoriety that there have been associations formed in this county, and in other parts of the kingdom, the professed purpose of which has been a change in the constitution

tion of the commons houſe of parliament, and the obtaining of annual parliaments; and that to ſome of theſe aſſociations other purpoſes, hidden under this veil, purpoſes the moſt traiterous, have been imputed; and that ſome of theſe aſſociations have been ſuppoſed to have actually adopted meaſures of ſuch a nature, and to have gone into ſuch exceſſes, as will amount to the crime of high treaſon.

If there be ground to conſider the profeſſed purpoſe of any of theſe aſſociations, a reform in parliament, as mere colour, and as a pretext held out in order to cover deeper deſigns—deſigns againſt the whole conſtitution and government of the country; the caſe of thoſe embarked in ſuch deſigns is that which I have already conſidered. Whether this be ſo, or not, is mere matter of fact; as to which I ſhall only remind you, that an inquiry into a charge of this nature, which undertakes to make out that the oſtenſible purpoſe is a mere veil, under which is concealed a traiterous conſpiracy, requires cool and deliberate examination, and the moſt attentive conſideration; and that the reſult ſhould be perfectly clear and ſatisfactory. In the affairs of common life, no man is juſtified in imputing to another a meaning contrary to what he himſelf expreſſes, but upon the fulleſt evidence. On the other hand, where the charge can be made out, it is adding to the crime meditated the deepeſt diſſimulation and treachery, with reſpect to thoſe individuals, who may be drawn in to embark in the oſtenſible purpoſe, as well as to the public, againſt which this dark myſtery of wickedneſs is fabricated.

But if we ſuppoſe theſe aſſociations to adhere to the profeſſed purpoſe, and to have no other primary object, it may be aſked, is it poſſible, and (if it be poſſible) by what proceſs is it, that an aſſociation for the reform of parliament can work itſelf up to the crime of high treaſon? All men may, nay, all men muſt, if they poſſeſs the faculty of thinking, reaſon upon every thing which ſufficiently intereſts them to become objects of their attention, and among the objects of the attention of free men, the principles of government, the conſtitution of particular governments, and, above all, the conſtitution of the government under which they live, will naturally engage attention, and provoke ſpeculation. The power of communi-

communication of thoughts and opinions is the gift of God, and the freedom of it is the ſource of all ſcience, the firſt fruits and the ultimate happineſs of ſociety; and therefore it ſeems to follow, that human laws ought not to interpoſe, nay, cannot interpoſe, to prevent the communication of ſentiments and opinions in voluntary aſſemblies of men; all which is true, with this ſingle reſervation, that thoſe aſſemblies are to be ſo compoſed, and ſo conducted, as not to endanger the public peace and good order of the government under which they live; and I ſhall not ſtate to you that aſſociations and aſſemblies of men, for the purpoſe of obtaining a reform in the interior conſtitution of the Britiſh parliament, are ſimply unlawful; but, on the other hand, I muſt ſtate to you, that they may but too eaſily degenerate, and become unlawful, in the higheſt degree, even to the enormous extent of the crime of high treaſon.

The proceſs is very ſimple: let us imagine to ourſelves this caſe: a few well meaning men conceive that they and their fellow ſubjects labour under ſome grievance; they aſſemble peaceably to deliberate on the means of obtaining redreſs; the numbers increaſe; the diſcuſſion grows animated, eager, and violent; a raſh meaſure is propoſed, adopted, and acted upon; who can ſay where this ſhall ſtop, and that theſe men, who originally aſſembled peaceably, ſhall not finally, and ſuddenly too, involve themſelves in the crime of high treaſon. It is apparent how eaſily an impetuous man may precipitate ſuch aſſemblies into crimes of unforeſeen magnitude, and danger to the ſtate: but, let it be conſidered, that bad men may alſo find their way into ſuch aſſemblies, and uſe the innocent purpoſes of their aſſociation as the ſtalking horſe to *their* purpoſes of a very different complexion. How eaſy for ſuch men to practiſe upon the credulity and the enthuſiaſm of honeſt men, lovers of their country, loyal to their prince, but eagerly bent upon ſome ſpeculative improvements in the frame, and internal mechaniſm of the government? If we ſuppoſe bad men to have once gained an aſcendancy in an aſſembly of this deſcription, popular in its conſtitution, and having popular objects; how eaſy is it for ſuch men to plunge ſuch an aſſembly into the moſt criminal exceſſes? Thus far I am

ſpeaking

ſpeaking in general, merely to illuſtrate the propoſition, that men who aſſemble in order to procure a reform of parliament may involve themſelves in the guilt of high treaſon.

The notoriety to which I have alluded leads me to ſuppoſe, that the project of a convention of the people to be aſſembled under the advice and direction of ſome of theſe ſocieties, or of delegations from them, will be the leading fact, which will be laid before you in evidence, reſpecting the conduct, and meaſures of theſe aſſociations; a project, which perhaps, in better times, would have been hardly thought worthy of grave conſideration; but, in theſe our days, having been attempted to be put in execution in a diſtant part of the united kingdoms, and, with the example of a neighbouring country before our eyes; is deſervedly become an object of the jealouſy of our laws: it will be your duty to examine the evidence on this head very carefully, and to ſift it to the bottom; to conſider every part of it in itſelf, and as it ſtands connected with other parts of it, and to draw the concluſion of fact, as to the exiſtence, the nature, and the object of this project of a convention, from the whole.

In the courſe of the evidence you will probably hear of bodies of men having been collected together, of violent reſolutions voted at theſe and at other meetings, of ſome preparation of offenſive weapons, and of the adoption of the language, and manner of proceeding of thoſe conventions in France, which have poſſeſſed themſelves of the government of that country: I dwell not on theſe particulars, becauſe I conſider them, not as ſubſtantive treaſons, but, as circumſtances of evidence, tending to aſcertain the true nature of the object which theſe perſons had in view, and alſo the true nature of this project of a convention, and to be conſidered by you in the maſs of that evidence; which evidence it does not fall within the province of the charge to conſider in detail; my preſent duty is, to inform you what the law is upon the matter of fact, which in your judgment ſhall be the reſult of the evidence.

I preſume that I have ſufficiently explained to you that a project to bring the people together in convention, in imitation of thoſe

thoſe national conventions which we have heard of in France, in order to uſurp the government of the country, and any one ſtep taken towards bringing it about, ſuch as, for inſtance, conſultations, forming of committees to conſider of the means, acting in thoſe committees, would be a caſe of no difficulty that it would be the cleareſt high treaſon; it would be compaſſing and imagining the King's death, and not only his death, but the death and deſtruction of all order, religion, laws, all property, all ſecurity for the lives and liberties of the King's ſubjects.

That which remains to be conſidered is, the project of a convention having for its ſole object the effecting a change in the mode of repreſentation of the people in parliament, and the obtaining that parliaments ſhould be held annually; and here there is room to diſtinguiſh. Such a project of a convention, taking it to be criminal, may be criminal in different degrees, according to the caſe in evidence, from whence you are to collect the true nature and extent of the plan, and the manner in which it is intended to operate; and it will become a queſtion of great importance, under what claſs of crimes it ought to be ranged.

In determining upon the complexion and quality of this project of a convention, you will lay down to yourſelves one principle which is never to be departed from, that alterations in the repreſentation of the people in parliament, or in the law for holding parliaments, can only be effected by the authority of the King, Lords, and Commons, in parliament aſſembled. This being taken as a foundation, it ſeems to follow as a neceſſary conſequence, that a project of a convention, which ſhould have for its object the obtaining a parliamentary reform without the authority of parliament, and ſteps taken upon it, would be high treaſon in all the actors in it; for this is a conſpiracy to overturn the government. The government cannot be ſaid to exiſt, if the functions of legiſlation are uſurped for a moment; and it then becomes of little conſequence indeed, that the original conſpirators, perhaps, had only meditated a plan of moderate reform: it is, in the nature of things, that the power ſhould go out of their hands, and be beyond the reach of their controul. A conſpiracy of this nature is therefore, at beſt, a conſpiracy to overturn

the government, in order to new model it, which is, in effect, to introduce anarchy, and that which anarchy may chance to ſettle down into; after the King may have been brought to the ſcaffold, and after the country may have ſuffered all the miſeries which diſcord and civil war ſhall have produced,

Whether the project of a convention, having for its object the collecting together a power which ſhould overawe the legiſlative body, and extort a parliamentary reform from it, if acted upon, will alſo amount to high treaſon, and to the ſpecific treaſon of compaſſing and imagining the King's death, is a more doubtful queſtion. Thus far is clear; a force upon the parliament muſt be immediately directed againſt the King, who is an integral part of it; it muſt reach the King, or it can have no effect at all. Laws are enacted in parliament by the King's Majeſty, by and with the advice and conſent of the Lords and Commons, in paliament aſſembled. A force meditated againſt the parliament, is therefore a force meditated againſt the King, and ſeems to fall within the caſe of a force meditated againſt the King, to compel him to alter the meaſures of his government: but, in that caſe, it does not appear to me that I am warranted by the authorities to ſtate to you, as clear law, that the mere conſpiracy to raiſe ſuch a force, and the entering into conſultations reſpecting it, will alone, and without actually raiſing the force, conſtitute the crime of high treaſon. What the law is in that caſe, and what will be the effect of the circumſtance of the force being meditated againſt the King in parliament, againſt the King in the exerciſe of the royal function in a point which is of the very eſſence of his monarchy, will be fit to be ſolemnly conſidered, and determined when the caſe ſhall ariſe.

It may be ſtated to you as clear, that the project of a convention, having for its ſole object a dutiful and peaceable application to the wiſdom of parliament on the ſubject of a wiſhed-for reform, which application ſhould be entitled to weight and credit from the univerſality of it, but ſhould ſtill leave to the parliament the freeſt exerciſe of its diſcretion to grant or to refuſe the prayer of the petition, (great as the reſponſibility will be on the perſons concerned in it, in reſpect of the many probable, and all the poſſible, bad conſequences of collecting a great number of people

people together, with no ſpecific legal powers to be exerciſed, and under no government but that of their own diſcretion,) cannot in itſelf merit to be ranked among that claſs of offences which we are now aſſembled to hear and determine.

Upon this laſt ſtatement of the fact of the caſe, I am not called upon, and therefore it would not be proper for me to ſay more.

Gentlemen, You will now proceed upon the ſeveral articles of inquiry, which have been given you in charge: if you find that the parties, who ſhall be accuſed before you, have been purſuing lawful ends by lawful means, or have been only indiſcreet, or, at the worſt, if criminal, that they have not been criminal to the extent of thoſe treaſons to which our inquiries are confined, then ſay, that the bills which ſhall be preſented to you are not true bills: but, if any of the accuſed perſons ſhall appear to you to have been engaged in that traiterous and deteſtable conſpiracy deſcribed in the preamble of the late ſtatute; or, if without any formed deſign to go the whole length of that conſpiracy, they have yet acted upon the deſperate imagination of bringing about alterations in the conſtitution of the commons houſe of parliament, or in the manner of holding parliaments, without the authority of parliament, and, in defiance of it, by an uſurped power, which ſhould, in that inſtance, ſuſpend the lawful authority of the King, Lords, and Commons, in parliament aſſembled, and take upon itſelf the function of legiſlation (which imagination amounts to a conſpiracy to ſubvert the exiſting laws and conſtitution, differing from the former only in the extent of its object), you will then do that which belongs to your office to do.

In the third view of the caſe of the accuſed perſons; that is, if you find them involved in, and proceeding upon, a deſign to collect the people together againſt the legiſlative authority of the country, for the purpoſe, not of uſurping the functions of the legiſlature, but of overawing the parliament, and ſo compelling the King, Lords, and Commons, in parliament aſſembled, to enact a law for new modelling the commons houſe of parliament, or, for holding annual parliaments; and that charges of high treaſon are offered to be maintained againſt them upon this ground only; perhaps it may be fitting that, in reſpect of the extraordinary nature

nature and dangerous extent and very criminal complexion of ſuch a conſpiracy, that caſe, which I ſtate to you as a new and a doubtful caſe, ſhould be put into a judicial courſe of inquiry, that it may receive a ſolemn adjudication, whether it will, or will not, amount to high treaſon, in order to which the bills muſt be found to be true bills.

Gentlemen, I have not opened to you the law of miſpriſion of treaſon, becauſe I am not aware that there are any commitments for that offence; and therefore I have no reaſon to ſuppoſe that there will be any proſecution for that offence. It conſiſts of the concealment of treaſon committed by others (which undoubtedly it is every man's duty to diſcloſe), and the puniſhment is extremely ſevere; but the humanity of modern times hath uſually interpoſed, and I truſt that the neceſſities of the preſent hour will not demand, that the law of miſpriſion of treaſon ſhould now be carried into execution.

Gentlemen, I diſmiſs you with confident expectation that your judgment will be directed to thoſe concluſions which may clear innocent men from all ſuſpicion of guilt, bring the guilty to condign puniſhment, preſerve the life of our gracious Sovereign, ſecure the ſtability of our government, and maintain the public peace, in which comprehenſive term is included the welfare and happineſs of the people under the protection of the laws and liberties of the kingdom.

The ſheriff returned into the court the pannel of the Petit Jurors.

On Monday, October the ſixth, the Grand Jury returned a true bill againſt Thomas Hardy, John Horne Tooke, John Auguſtus Bonney, Stewart Kyd, Jeremiah Joyce, Thomas Wardle, Thomas Holcroft, John Richter, Matthew Moore, John Thelwall, Richard Hodgſon, and John Baxter, for high treaſon.

Not found againſt John Lovett.

On Tueſday, October the ſeventh, Thomas Holcroft voluntarily ſurrendered himſelf in Court, and was committed to Newgate.

At the requeſt of the ſeveral priſoners the following gentlemen were aſſigned by the Court as their Counſel:—For,

Thomas Hardy,	Mr. Erſkine, Mr. Gibbs.
John Horne Tooke,	Mr. Erſkine, Mr. Gibbs.
John Auguſtus Bonney,	Mr. Erſkine, Mr. Gibbs.
Stewart Kyd,	Mr. Erſkine, Mr. Gibbs.
Jeremiah Joyce,	Mr. Erſkine, Mr. Felix Vaughan.
Thomas Holcroft,	Mr. Erſkine, Mr. Gibbs.
John Richter,	Mr. Erſkine, Mr. Gibbs.
John Thelwall,	Mr. Erſkine, Mr. Gibbs.
John Baxter,	Mr. Erſkine, Mr. Gurney.

Thomas Wardle, Matthew Moore, and Richard Hodgſon, were not in cuſtody.

On Monday, October the thirteenth, Mr. White, Solicitor for the Treaſury, delivered to each of the priſoners a copy of the indictment, a liſt of the jurors impanelled by the ſheriff, and a liſt of the witneſſes to be produced by the crown for proving the ſaid indictment.

On Friday, October the 24th, Thomas Hardy, John Horne Tooke, John Auguſtus Bonney, Stewart Kyd, Jeremiah Joyce, John Richter, and John Thelwall, were removed by habeas corpus from the Tower to Newgate.

SESSION HOUSE IN THE OLD BAILEY,

Saturday, October 25th, 1794.

PRESENT,

Lord Chief Juſtice EYRE;
Lord Chief Baron MACDONALD;
Mr. Baron HOTHAM;
Mr. Juſtice BULLER;
Mr. Juſtice GROSE;
And others his Majeſty's Juſtices, &c.

Thomas Hardy, John Horne Tooke, John Auguſtus Bonney, Stewart Kyd, Jeremiah Joyce, Thomas Holcroft, John Richter, John Thelwall, and John Baxter, were arraigned upon the following indictment, and ſeverally pleaded not guilty.

THE INDICTMENT.

Middleſex to wit—Be it remembered that at a ſpecial ſeſſion of Oyer and Terminer of our Sovereign Lord the King of and for the county of Middleſex holden at the Seſſion Houſe on Clerkenwell Green in the ſaid county on Thurſday the ſecond day of October in the thirty-fourth year of the reign of our Sovereign Lord George the Third by the grace of God of Great Britain France and Ireland King Defender of the Faith and ſo forth before the Right Honourable Sir James Eyre Knight Chief Juſtice of our ſaid Lord the King of his Court of Common Pleas the Right Honourable Sir Archibald Macdonald Knight Chief Baron of our ſaid Lord the King of his Court of Exchequer the Honourable Sir Beaumont Hotham Knight one of the Barons of our ſaid Lord the King of his ſaid Court of Exchequer the Honourable Sir Francis Buller Baronet one of the Juſtices of our ſaid Lord the King of his ſaid Court of Common Pleas the Honourable Sir Naſh Groſe Knight one of the Juſtices of our ſaid Lord the King aſſigned to hold Pleas before the King himſelf the Honourable Sir Soulden Lawrence Knight one other of the Juſtices

of our ſaid Lord the King aſſigned to hold Pleas before the King himſelf and others their fellows Juſtices and Commiſſioners of our ſaid Lord the King aſſigned by letters patent of our ſaid Lord the King under his great ſeal of Great Britain made to them and others and any three or more of them (of whom one of them the aforeſaid Sir James Eyre Sir Archibald Macdonald Sir Beaumont Hotham Sir Francis Buller Sir Naſh Groſe and Sir Soulden Lawrence our ſaid Lord the King willed ſhould be one) to inquire by the oath of good and lawful men of the county of Middleſex of all high treaſons in compaſſing or imagining the death of our Lord the King levying war againſt our Lord the King in his realm or in adhering to the enemies of our ſaid Lord the King in his realm giving to them aid and comfort in his realm or elſewhere and of all miſpriſions of ſuch high treaſons as aforeſaid or of any of them within the county aforeſaid (as well within liberties as without) by whomſoever and in what manner ſoever done committed or perpetrated when how and after what manner and of all other articles and circumſtances concerning the premiſſes and every or any of them in any manner whatſoever and the ſaid treaſons and miſpriſions of treaſons according to the laws and cuſtoms of England for this time to hear and determine by the oath of Benjamin Winthrop Eſquire John Henry Schneider Eſquire Edward Ironſide Eſquire Benjamin Kenton Eſquire Rawſon Hart Boddam Eſquire John Aris Eſquire William Pardoe Allett Eſquire John Perry Eſquire Henry Peter Khuff Eſquire Thomas Winſlow Eſquire Thomas Cole Eſquire Samuel Hawkins Eſquire George Ward Eſquire Thomas Boddam Eſquire Joſeph Lancaſter Eſquire Robert Wilkinſon Eſquire George Galway Mills Eſquire Henry Wright Eſquire John Hatchett Eſquire Rowland Stephenſon Eſquire and John Campbell Eſquire good and lawful men of the county aforeſaid now here ſworn and charged to inquire for our ſaid Lord the King for the body of the ſaid county touching and concerning the premiſſes in the ſaid letters patent mentioned It is preſented in manner and form as followeth (that is to ſay)

Middleſex to wit the Jurors for our Sovereign Lord the King upon their oath preſent that Thomas Hardy late of Weſtminſter in the county of Middleſex ſhoemaker John Horne Tooke late

of

of Wimbledon in the county of Surrey clerk John Auguſtus Bonney late of the pariſh of Saint Giles in the Fields in the county of Middleſex aforeſaid gentleman Stewart Kyd late of London Eſquire Jeremiah Joyce late of the pariſh of Saint Mary le Bone otherwiſe Marybone in the county of Middleſex aforeſaid gentleman Thomas Wardle late of London gentleman Thomas Holcroft late of the pariſh of Saint Mary le Bone otherwiſe Marybone aforeſaid in the county of Middleſex aforeſaid gentleman John Richter late of Weſtminſter in the ſaid county of Middleſex gentleman Matthew Moore late of Weſtminſter in the county of Middleſex aforeſaid gentleman John Thelwall late of Weſtminſter in the county of Middleſex aforeſaid gentleman Richard Hodgſon late of Weſtminſter in the county of Middleſex aforeſaid hatter and John Baxter late of the pariſh of Saint Leonard Shoreditch in the county of Middleſex aforeſaid labourer being ſubjects of our ſaid Lord the King not having the fear of God in their hearts nor weighing the duty of their allegiance but being moved and ſeduced by the inſtigation of the devil as falſe traitors againſt our ſaid Lord the King their ſupreme true lawful and undoubted Lord and wholly withdrawing the cordial love and true and due obedience which every true and faithful ſubject of our ſaid Lord the King ſhould and of right ought to bear towards our ſaid Lord the King and contriving and with all their ſtrength intending traiterouſly to break and diſturb the peace and common tranquillity of this kingdom of Great Britain and to ſtir move and excite inſurrection rebellion and war againſt our ſaid Lord the King within this kingdom and to ſubvert and alter the legiſlature rule and government now duly and happily eſtabliſhed in this kingdom and to depoſe our ſaid Lord the King from the royal ſtate title power and government of this kingdom and to bring and put our ſaid Lord the King to death on the firſt day of March in the thirty-third year of the reign of our Sovereign Lord the now King and on divers other days and times as well before as after at the pariſh of Saint Giles aforeſaid in the county of Middleſex aforeſaid maliciouſly and traiterouſly with force and arms &c did amongſt themſelves and together with divers other falſe traitors whoſe names are to the ſaid Jurors unknown conſpire compaſs imagine and intend to ſtir up move

and excite inſurrection rebellion and war againſt our ſaid Lord the King within this kingdom of Great Britain and to ſubvert and alter the legiſlature rule and government now duly and happily eſtabliſhed within this kingdom of Great Britain and to depoſe our ſaid Lord the King from the royal ſtate title power and government of this kingdom and to bring and put our ſaid Lord the King to death And to fulfil perfect and bring to effect their moſt evil and wicked treaſon and treaſonable compaſſings and imaginations aforeſaid they the ſaid Thomas Hardy John Horne Tooke John Auguſtus Bonney Stewart Kyd Jeremiah Joyce Thomas Wardle Thomas Holcroft John Richter Matthew Moore John Thelwall Richard Hodgſon and John Baxter as ſuch falſe traitors as aforeſaid with force and arms on the ſaid firſt day of March in the thirty-third year aforeſaid and on divers other days and times as well before as after at the pariſh of Saint Giles aforeſaid in the county of Middleſex aforeſaid maliciouſly and traiterouſly did meet conſpire conſult and agree among themſelves and together with divers other falſe traitors whoſe names are to the ſaid Jurors unknown to cauſe and procure a convention and meeting of divers ſubjects of our ſaid Lord the King to be aſſembled and held within this kingdom with intent and in order that the perſons to be aſſembled at ſuch convention and meeting ſhould and might wickedly and traiterouſly without and in defiance of the authority and againſt the will of the parliament of this kingdom ſubvert and alter and cauſe to be ſubverted and altered the legiſlature rule and government now duly and happily eſtabliſhed in this kingdom and depoſe and cauſe to be depoſed our ſaid Lord the King from the royal ſtate title power and government thereof And further to fulfil perfect and bring to effect their moſt evil and wicked treaſon and treaſonable compaſſings and imaginations aforeſaid and in order the more readily and effectually to aſſemble ſuch convention and meeting as aforeſaid for the traiterous purpoſes aforeſaid and thereby to accompliſh the ſame purpoſes they the ſaid Thomas Hardy John Horne Tooke John Auguſtus Bonney Stewart Kyd Jeremiah Joyce Thomas Wardle Thomas Holcroft John Richter Matthew Moore John Thelwall Richard Hodgſon and John Baxter as ſuch falſe traitors as aforeſaid together with divers other falſe traitors whoſe names are to the Jurors aforeſaid unknown

on the ſaid firſt day of March in the thirty-third year aforeſaid and on divers other days and times as well before as after with force and arms at the pariſh of Saint Giles aforeſaid in the county of Middleſex aforeſaid maliciouſly and traiterouſly did compoſe and write and did then and there maliciouſly and traiterouſly cauſe to be compoſed and written divers books pamphlets letters inſtructions reſolutions orders declarations addreſſes and writings and did then and there maliciouſly and traiterouſly publiſh and did then and there maliciouſly and traiterouſly cauſe to be publiſhed divers other books pamphlets letters inſtructions reſolutions orders declarations addreſſes and writings the ſaid books pamphlets letters inſtructions reſolutions orders declarations addreſſes and writings ſo reſpectively compoſed written publiſhed and cauſed to be compoſed written and publiſhed purporting and containing therein among other things incitements encouragements and exhortations to move induce and perſuade the ſubjects of our ſaid Lord the King to chooſe depute and ſend and cauſe to be choſen deputed and ſent perſons as delegates to compoſe and conſtitute ſuch convention and meeting as aforeſaid to be ſo holden as aforeſaid, for the traiterous purpoſes aforeſaid And further to fulfil perfect and bring to effect their moſt evil and wicked treaſon and treaſonable compaſſings and imaginations aforeſaid and in order the more readily and effectually to aſſemble ſuch convention and meeting as aforeſaid for the traiterous purpoſes aforeſaid and thereby to accompliſh the ſame purpoſes they the ſaid Thomas Hardy John Horne Tooke John Auguſtus Bonney Stewart Kyd Jeremiah Joyce Thomas Wardle Thomas Holcroft John Richter Matthew Moore John Thelwall Richard Hodgſon and John Baxter as ſuch falſe traitors as aforeſaid on the ſaid firſt day of March in the thirty-third year aforeſaid and on divers other days and times as well before as after with force and arms at the pariſh of Saint Giles aforeſaid in the county of Middleſex aforeſaid did meet conſult and deliberate among themſelves and together with divers other falſe traitors whoſe names are to the ſaid Jurors unknown of and concerning the calling and aſſembling ſuch convention and meeting as aforeſaid for the traiterous purpoſes aforeſaid and how when and where ſuch convention and meeting ſhould be aſſembled and held and by what means the ſubjects of our ſaid Lord the King ſhould and

might be induced and moved to ſend perſons as delegates to compoſe and conſtitute the ſame And further to fulfil perfect and bring to effect their moſt evil and wicked treaſon and treaſonable compaſſings and imaginations aforeſaid and in order the more readily and effectually to aſſemble ſuch convention and meeting as aforeſaid for the traiterous purpoſes aforeſaid and thereby to accompliſh the ſame purpoſes they the ſaid Thomas Hardy John Horne Tooke John Auguſtus Bonney Stewart Kyd Jeremiah Joyce Thomas Wardle Thomas Holcroft John Richter Matthew Moore John Thelwall Richard Hodgſon and John Baxter as ſuch falſe traitors as aforeſaid together with divers other falſe traitors whoſe names are to the Jurors aforeſaid unknown on the ſaid firſt day of March in the thirty-third year aforeſaid and on divers other days and times as well before as after with force and arms at the pariſh of Saint Giles aforeſaid in the county of Middleſex aforeſaid maliciouſly and traiterouſly did conſent and agree that the ſaid Jeremiah Joyce John Auguſtus Bonney John Horne Tooke Thomas Wardle Matthew Moore John Thelwall John Baxter Richard Hodgſon one John Lovett one William Sharp and one John Pearſon ſhould meet confer and co-operate among themſelves and together with divers other falſe traitors whoſe names are to the ſaid Jurors unknown for and towards the calling and aſſembling ſuch convention and meeting as aforeſaid for the traiterous purpoſes aforeſaid and further to fulfil perfect and bring to effect their moſt evil and wicked treaſon and treaſonable compaſſings and imaginations aforeſaid they the ſaid Thomas Hardy John Horne Tooke John Auguſtus Bonney Stewart Kyd Jeremiah Joyce Thomas Wardle Thomas Holcroft John Richter Mathew Moore John Thelwall Richard Hodgſon and John Baxter as ſuch falſe traitors as aforeſaid together with divers other falſe traitors whose names are to the Jurors aforeſaid unknown on the ſaid firſt day of March in the thirty-third year aforeſaid and on divers other days and times as well before as after with force and arms at the pariſh of St. Giles aforeſaid in the county of Middleſex aforeſaid maliciouſly and traiterouſly did cauſe and procure to be made and provided and did then and there maliciouſly and traiterouſly conſent and agree to the making and providing of divers arms and offenſive weapons to

wit

wit guns muſkets pikes and axes for the purpoſe of arming divers ſubjects of our ſaid Lord the King in order and to the intent that the ſame ſubjects ſhould and might unlawfully forcibly and traiterouſly oppoſe and withſtand our ſaid Lord the King in the due and lawful exerciſe of his royal power and authority in the execution of the laws and ſtatutes of this realm and ſhould and might unlawfully forcibly and traiterouſly ſubvert and alter and aid and aſſiſt in ſubverting and altering without and in defiance of the authority and againſt the will of the parliament of this kingdom the legiſlature rule and government now duly and happily eſtabliſhed in this kingdom and depoſe and aid and aſſiſt in depoſing our ſaid Lord the King from the royal ſtate title power and government of this kingdom and further to fulfil perfect and bring to effect their moſt evil and wicked treaſon and treaſonable compaſſings and imaginations aforeſaid they the ſaid Thomas Hardy John Horne Tooke John Auguſtus Bonney Stewart Kyd Jeremiah Joyce Thomas Wardle Thomas Holcroft John Richter Matthew Moore John Thelwall Richard Hodgſon and John Baxter as ſuch falſe traitors as aforeſaid with force and arms on the ſaid firſt day of March in the thirty-third year aforeſaid and on divers other days and times as well before as after at the pariſh of Saint Giles aforeſaid in the county of Middleſex aforeſaid maliciouſly and traiterouſly did meet conſpire conſult and agree among themſelves and with divers other falſe traitors whoſe names are to the ſaid Jurors unknown to raiſe levy and make inſurrection rebellion and war within this kingdom of Great Britain againſt our ſaid Lord the King and further to fulfil perfect and bring to effect their moſt evil and wicked treaſon and treaſonable compaſſings and imaginations aforeſaid they the ſaid Thomas Hardy John Horne Tooke John Auguſtus Bonney Stewart Kyd Jeremiah Joyce Thomas Wardle Thomas Holcroft John Richter Matthew Moore John Thelwall Richard Hodgſon and John Baxter as ſuch falſe traitors as aforeſaid on the ſaid firſt day of March in the thirty-third year aforeſaid and on divers other days and times as well before as after at the pariſh of Saint Giles aforeſaid in the county of Middleſex aforeſaid with force and arms maliciouſly and traiterouſly did meet conſpire conſult

and agree amongſt themſelves and together with divers other falſe traitors whoſe names are to the ſaid Jurors unknown unlawfully wickedly and traiterouſly to ſubvert and alter and cauſe to be ſubverted and altered the legiſlature rule and government now duly and happily eſtabliſhed in this kingdom and to depoſe and cauſe to be depoſed our ſaid Lord the King from the royal ſtate title power and government of this kingdom and further to fulfil perfect and bring to effect their moſt evil and wicked treaſon and treaſonable compaſſings and imaginations aforeſaid and in order the more readily and effectually to bring about ſuch ſubverſion alteration and depoſition as laſt aforeſaid they the ſaid Thomas Hardy John Horne Tooke John Auguſtus Bonney Stewart Kyd Jeremiah Joyce Thomas Wardle Thomas Holcroft John Richter Matthew Moore John Thelwall Richard Hodgſon and John Baxter as ſuch falſe traitors as aforeſaid together with divers other falſe traitors whoſe names are to the Jurors aforeſaid unknown on the ſaid firſt day of March in the thirty-third year aforeſaid and on divers other days and times as well before as after at the pariſh of St. Giles aforeſaid in the county of Middleſex aforeſaid with force and arms maliciouſly and traiterouſly did prepare and compoſe and did then and there maliciouſly and traiterouſly cauſe and procure to be prepared and compoſed divers books pamphlets letters declarations inſtructions reſolutions orders addreſſes and writings and did then and there maliciouſly and traiterouſly publiſh and diſperſe and did then and there maliciouſly and traiterouſly cauſe and procure to be publiſhed and diſperſed divers other books pamphlets letters declarations inſtructions reſolutions orders addreſſes and writings the ſaid ſeveral books pamphlets letters declarations inſtructions reſolutions orders addreſſes and writings ſo reſpectively prepared compoſed publiſhed diſperſed and cauſed to be prepared compoſed publiſhed and diſperſed as laſt aforeſaid purporting and containing therein (amongſt other things) incitements encouragements and exhortations to move induce and perſuade the ſubjects of our ſaid Lord the King to aid and aſſiſt in carrying into effect ſuch traiterous ſubverſion alteration and depoſition as laſt aforeſaid and alſo containing therein amongſt other things information inſtructions and directions to the ſubjects of our ſaid

Lord

Lord the King how when and upon what occaſions the traiterous purpoſes laſt aforeſaid ſhould and might be carried into effect and further to fulfil perfect and bring to effect their moſt evil and wicked treaſon and treaſonable compaſſings and imaginations aforeſaid they the ſaid Thomas Hardy John Horne Tooke John Auguſtus Bonney Stewart Kyd Jeremiah Joyce Thomas Wardle Thomas Holcroft John Richter Matthew Moore John Thelwall Richard Hodgſon and John Baxter as ſuch falſe traitors as aforeſaid together with divers other falſe traitors whoſe names are to the Jurors aforeſaid unknown on the ſaid firſt day of March in the thirty-third year aforeſaid and on divers other days and times as well before as after at the pariſh of Saint Giles aforeſaid in the county of Middleſex aforeſaid with force and arms maliciouſly and traiterouſly did procure and provide and did then and there maliciouſly and traiterouſly cauſe and procure to be provided and did then and there maliciouſly and traiterouſly conſent and agree to the procuring and providing arms and offenſive weapons (to wit) guns muſkets pikes and axes therewith to levy and wage war inſurrection and rebellion againſt our ſaid Lord the King within this kingdom againſt the duty of the allegiance of them the ſaid Thomas Hardy John Horne Tooke John Auguſtus Bonney Stewart Kyd Jeremiah Joyce Thomas Wardle Thomas Holcroft John Richter Matthew Moore John Thelwall Richard Hodgſon and John Baxter againſt the peace of our ſaid Lord the now King his crown and dignity and againſt the form of the ſtatute in that caſe made and provided.

Mr. Attorney General ſtated to the court, that he had been informed by the counſel for the priſoners, it was their intention the priſoners ſhould be tried ſeparately. It was therefore his intention to proceed firſt on the trial of Thomas Hardy.

At the requeſt of the priſoners' counſel, the court adjourned to Tueſday, October the 25th.

SESSION

SESSION HOUSE IN THE OLD BAILEY,

Tueſday, October 27th.

PRESENT,

Lord Chief Juſtice EYRE;
Lord Chief Baron MACDONALD;
Mr. Baron HOTHAM;
Mr. Juſtice BULLER;
Mr. Juſtice GROSE;
And others his Majeſty's Juſtices, &c.

Counſel for the Crown.

Mr. ATTORNEY GENERAL,
Mr. SOLICITOR GENERAL,
Mr. Serjeant ADAIR,
Mr. BEARCROFT,
Mr. BOWER,
Mr. LAW,
Mr. GARROW,
Mr. WOOD.

Counſel for the Priſoner.

The Hon. THOMAS ERSKINE,
Mr. GIBBS.

Aſſiſtant Counſel.

Mr. DAMPIER,
Mr. FELIX VAUGHAN,
Mr. GURNEY.

Solicitor.

JOSEPH WHITE, Eſq. Solicitor for the affairs of his Majeſty's treaſury.

Solicitors.

Meſſrs. GEORGE and ROMAINE WILLIAM CLARKSON, of Eſſex-ſtreet.

The court being opened and Thomas Hardy ſet to the bar, the Jurors returned by the Sheriff were called over.

Major Rhode, Eſq. challenged by the priſoner.
Thomas Martin, Oil-man, not a freeholder of the county of Middleſex.
George Jefferys, Jeweller, not a freeholder.
Hugh French, Eſq. challenged by the priſoner.
Robert Melliſh, Ship-builder, challenged by the priſoner.
William Harwood, Eſq. challenged by the crown.

James

James Hagarth, Eſq. challenged by the priſoner.
Robert Lewis, Eſq. excuſed on account of illneſs.
John Walker, Eſq. not a freeholder.
George Wade, Stock-broker, challenged by the crown.
Thomas Buck, Eſq. ſworn.
Thomas Ayliffe, Eſq. challenged by the priſoner..
Thomas Wood, Eſq. ſworn.
Mark Hudſon, Eſq. challenged by the priſoner.
John Mandell, Gent. challenged by the priſoner.
Henry Bullock, Brewer, challenged by the crown.
John Powſey, Carpenter and Surveyor, challenged by the priſoner.
George Capes, Eſq. challenged by the priſoner.
Thomas Rhodes, Cow-keeper, challenged by the priſoner.
Edward Helme, Eſq. challenged by the priſoner.
Jeffery Holmes, Eſq. challenged by the crown.
William Fraſer, Eſq. ſworn.
Apſley Pellat, Ironmonger, not a freeholder.
Hugh Reynolds, Eſq. challenged by the priſoner.
Thomas Harriſon, Cow-keeper, challenged by the priſoner.
Daniel Goſſet, Eſq. not a freeholder.
Richard Meaux, Eſq. not a freeholder.
Dicker Saunders, Eſq. one of the people called quakers.
Calvert Clapham, Gent. not a freeholder.
John Leader, Gent. challenged by the priſoner.
John Gueſt, Eſq. excuſed on account of illneſs.
Charles Fourdrinier, Stationer, not a freeholder.
Adam Steinmetz, Biſcuit-baker.
Mr. Attorney General. Are you a natural born ſubject?
Mr. Steinmetz. Yes.—Sworn.
Alexander Baxter, Eſq. not a freeholder.
Richard Child, Diſtiller, not a freeholder.
Jeremiah Blakeman, Timber Merchant, challenged by the priſoner.
Robert Kilby Cox, Eſq. challenged by the priſoner.
Richard Hunt, Eſq. not a freeholder.
James Payne, Eſq. challenged by the crown.
Newell Connop, Diſtiller, ſworn.
John Mercer, Mealman, ſworn.

John

John Rixon, Cooper, challenged by the crown.
Thomas Sayer, Eſq. ſworn.
Richard Carter, Eſq. ſworn.
Edward Hale, Gent. challenged by the priſoner.
George Fillingham, Eſq. challenged by the priſoner.
Samuel Rudge, Eſq. not a freeholder.
William Perry, Eſq. challenged by the priſoner.
Richard Gough, Eſq. challenged by the priſoner.
Joſhua Brookes, Dealer in Birds, not a freeholder.
Thomas Lawrence, Eſq. not a freeholder.
Thomas Skipp Dyott Bucknell, Eſq. challenged by the priſoner.
John Blackburn, Eſq. challenged by the priſoner.
Samuel Mills, Weaver.

Mr. Mills. My father left in his will all his eſtate to my brother and me, and appointed truſtees, and we are not, by the will, to be of age till we are thirty-five.

Joſeph Bird, Eſq. not a freeholder of Middleſex.
Thomas Powell, Eſq. challenged by the priſoner.
William Emerſon, Eſq. not a freeholder.
James Cook, Eſq, not a freeholder.
Nathaniel Stonard, Brewer, ſworn.
Joſeph Mawley, Gent. not a freeholder.
Thomas Allen, Brewer, challenged by the priſoner.
John Baker, Eſq. challenged by the priſoner.
William Row, Eſq. not a freeholder.
James Smith, Eſq. challenged by the priſoner.
Bryan Marſhall, Gent. challenged by the priſoner.
Joſeph Nichol, Gentleman Farmer, ſworn.
Thomas Bird, Diſtiller, not a freeholder.
Robert Vincent, Eſq. not a freeholder.
David Roberts, Eſq. challenged by the priſoner.
George Brookes, Eſq. not a freeholder.
William Arnold, Eſq. not a freeholder.
Thomas Nixon, Eſq. not a freeholder.
Thomas Smith, Eſq. challenged by the priſoner.
John Charrington, Eſq. ſworn.
George Rigby, Eſq. not a freeholder.
Thomas Allen, Eſq. challenged by the priſoner.

Andrew

Andrew Burt, Eſq. challenged by the crown.
Charles Smith, Diſtiller, challenged by the priſoner.
Archibald Paxton, Wine Merchant, challenged by the priſoner.
Ralph Keddy, Eſq. not a freeholder.
John Harſley, Eſq. not a freeholder.
William Nicoll, Farmer, challenged by the priſoner.
Edward Franklin, Farmer, excuſed on account of illneſs.
Michael Henly, Coal Merchant, challenged by the priſoner.
John Thompſon, Brewer, challenged by the priſoner.
Joſeph Ainſlie, Eſq. ſworn.

THE JURY.

Thomas Buck,	Thomas Sayer,
Thomas Wood,	Richard Carter,
William Fraſer,	Nathaniel Stonard,
Adam Steinmetz,	Joſeph Nichol,
Newell Connop,	John Charrington,
John Mercer,	Joſeph Ainſlie.

Mr. Thomas Shelton, (Clerk of the Arraigns). Thomas Hardy, hold up your hand.

Gentlemen of the Jury, the priſoner, Thomas Hardy, ſtands indicted, together with John Horne Tooke, &c.—*(Here the Clerk of Arraigns read the indictment.)*—Upon this indictment he hath been arraigned, and upon his arraignment hath pleaded not guilty, and for his trial hath put himſelf upon God and the country, which country you are. Your charge is to enquire whether he be guilty of the high treaſon whereof he ſtands indicted, or not guilty. If you find him guilty, you are to enquire what goods or chattels, lands or tenements, he had at the time of the high treaſon committed, or at any time ſince. If you find him not guilty, you are to enquire whether he fled for it; if you find that he did fly for it, you ſhall enquire of his goods and chattels as if you had found him guilty. If you find him not guilty, and that he did not fly for it, ſay ſo, and no more, and hear your evidence.

The Indictment was opened by Mr. WOOD.

Mr. ATTORNEY GENERAL.

May it pleaſe your Lordſhip and Gentlemen of the Jury,

In the courſe of ſtating what I have to offer to your moſt ſerious attention in this great and weighty cauſe, affecting, as it certainly does, the deareſt intereſts of the community, affecting, as you will remember throughout this buſineſs, every intereſt which can be valuable to the priſoner at the bar, I ſhall have frequent occaſion to call that anxious attention to the different parts of the indictment, which has juſt been opened to you. I forbear to do ſo at this moment, becauſe I think that attention will be more uſefully, both with reſpect to the public, and to the priſoner, given and required in another part of what I am to addreſs to you.

Gentlemen, the priſoner, who is before you, ſtands charged (to ſtate the indictment generally) with the offence of compaſſing his Majeſty's death; he was committed, upon that charge, by his Majeſty's Privy Council: I will explain to you preſently why I ſtate this and the following facts. In conſequence of the apprehenſion of this priſoner, of ſeveral others charged by this indictment, and of others, whoſe names do not occur in this indictment, proceedings of ſome notoriety were had in Parliament, and an act paſſed, impowering his Majeſty to detain ſuch perſons as he ſuſpected were conſpiring againſt his government. That act has aſſerted that a traitorous and deteſtable conſpiracy had been formed for ſubverting the exiſting laws and government of the country, and for introducing that ſyſtem of anarchy and confuſion, which had ſo fatally prevailed in France; the act, upon the ſpur of the emergency, which it contemplated, authoriſed the detention without bail, mainprize, or diſcharge of the perſons then in priſon for high treaſon, or treaſonable practices, or who ſhould afterwards be committed, for high treaſon or treaſonable practices, by warrants from the Privy Council or Secretary of State, till the firſt of February 1795.

Gentlemen, this meaſure, which did not ſuſpend the operation of the Habeas Corpus Act, that great palladium of Engliſh liberty, but with reference to particular perſons, under particular commitments, for particular offences, is a meaſure, never adopted in this

this country by Parliament but in caſes, in which it is underſtood, after giving all poſſible attention to ſecure the right of the ſubject from being broken in upon, to be of the laſt poſſible neceſſity, and which has been repeatedly put in force, in the beſt of times, in ſuch caſes, where the wiſdom of Parliament apprehended that it was matter of their duty to provide that the nation ſhould part with its liberty for a while, that it might not loſe it for ever.

Gentlemen, appearing before you this day in diſcharge of that duty, which I have been commanded to execute, and the execution of which appears to me to be abſolutely neceſſary, you will collect from the fact that I do appear here this day, that, according to the true conſtitutional meaning of ſuch an act of Parliament, it is not that the trial of ſuch perſons ſhall be delayed during the period of the ſuſpenſion of the act, but that the act ſhall, with reference to the time of trial, be allowed, in the right execution of it, an operation only to that extent, in which the due conſideration of the public ſafety, tempered with a due attention to the liberty of the individual ſubject, may require.

Gentlemen, the proceedings of the legiſlature having been ſuch as I have ſtated to you, his Majeſty, conſtitutionally adviſed in the exerciſe of his duty, as the great conſervator of the public peace, directed a commiſſion to iſſue to inquire whether any ſuch treaſons, as the preſumption of ſuch a traitorous conſpiracy muſt neceſſarily ſuppoſe to have exiſted, had been committed by any perſons, and by whom. In the execution of the duties of that commiſſion a Grand Jury of this county, upon their oaths, have declared that there is ground of charge againſt the perſon at the bar, and againſt others, ſufficient to call upon them, in a trial to be had before you, their country, to anſwer to an accuſation of high treaſon in compaſſing his Majeſty's death.

Gentlemen, I have ſtated theſe circumſtances that I may convey to you, in as ſtrong terms as I can expreſs it, this obſervation, that, as the proceedings of Parliament ought to have had (and I am perſuaded, from the deliberation which they gave the ſubject, that they had) no influence upon the judicial mind of the Grand Inqueſt, neither ought theſe proceedings to affect your inquiries, or to induce you to any determination, which you are to make upon the iſſue, which you are now ſworn to try.

Gentlemen,

Gentlemen, there is no one circumſtance of any proceedings before Parliament, with reference to which you ought to ſuffer yourſelves to be influenced in the trial of this iſſue. It is obvious that ſuch proceedings, as were had in Parliament, providing for great emergencies, may be required and authoriſed by the genuine ſpirit of the conſtitution, even in caſes in which a Grand Jury might not, upon any thing that could be offered to their conſideration, be juſtified in finding a bill: it is much more obvious that, in a proceeding before you, a conſideration of the wiſdom and propriety of the acts of the legiſlature is not called for.

You therefore, Gentlemen of the Jury, will conſider the priſoner as ſtanding before you in full poſſeſſion of an abſolute right to the preſumption of innocence, notwithſtanding he is charged with guilt by this indictment, as you will hear, except ſo far as that preſumption is met by the ſingle ſimple fact, that he has been accuſed by a Grand Jury of his country.

Gentlemen, before I conclude theſe general obſervations, you will permit me to ſay, on the other hand, that, if there has been any thing that has fallen under your obſervation, by act, or publication—any attempt to make any impreſſion upon the minds of thoſe who are this day impannelled to try this great cauſe, to diſparage that advice, which, under the moſt reſponſible ſanction, may be given you in matter of law, to work in your minds any prejudice either againſt the priſoner, or on the priſoner's behalf; on the one hand I am perfectly ſure that your integrity will be ſecurity to the public, that you will not permit any attempt of that kind to have any operation: on the other hand, Gentlemen of the Jury, I am equally ſure that I need not aſk from an Engliſh Jury, that they would permit no ſuch attempt to influence them againſt the priſoner at the bar, no, not even an injudicious or ill executed attempt to influence them in his favour.

Gentlemen, in order to underſtand the law of treaſon, and the indictment, I ſhall take the liberty firſt to ſtate to you the character which I apprehend the King, for the protection of whoſe perſon and government the ſtatute in queſtion was made, has in the ſtate and conſtitution of this country.

Gentlemen, the power of the ſtate, by which I mean the power of making laws, and enforcing the execution of them when made,

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is veſted in the King; enacting laws, in the one caſe, that is, in his legiſlative character, by and with the advice and conſent of the Lords Spiritual and Temporal, and of the Commons in Parliament aſſembled, aſſembled according to the law and conſtitutional cuſtom of England; in the other caſe, executing the laws, when made, in ſubſervience to the laws ſo made, and with the advice, which the law and the conſtitution hath aſſigned to him in almoſt every inſtance, in which it has called upon him to act for the benefit of the ſubject. The King's authority, under the check of conſtitutional and legal proviſions, and limitations, convenes and regulates the duration and exiſtence of Parliament, convening thoſe whom, according to the law and cuſtom of the country, he is bound to convene. The King, in his Parliament, ſitting in his royal political capacity, and the Lords and Commons there aſſembled, form the great body politic of the kingdom, by which is exerciſed ſovereign authority in legiſlation. Gentlemen, whilſt the preſent law, the preſent conſtitution, and preſent government of Great Britain, exiſts, no law can be made but by that authority; no legiſlative power can be created againſt the will, and in defiance of, that authority. Whether in any, or in what circumſtances, an attempt to create ſuch a power is a treaſon forbidden by the ſtatute of the 25th of Edward III. I propoſe to examine preſently.

Gentlemen, as in the King the power of legiſlation is veſted, as well as the executive power of the ſtate, to be exerciſed with conſent and advice, to be exerciſed according to thoſe laws, which are the birthright and inheritance of the ſubject, having upon him the care and protection of the community; to him, in return, the allegiance of every individual is, according to the law of England, due; that allegiance, by which the ſubject is bound, in the language of the ſtatutes of this country, to defend him "againſt all traitorous conſpiracies and attempts whatſoever, "which ſhall be made againſt his perſon, his crown, or his "dignity."

Gentlemen, to aſcertain to whom this care and protection is committed—to aſcertain to whom this allegiance is due, the breach of which, according to the venerable Lord Hale, conſtitutes high treaſon, is neceſſary to the peace of the community—

to aſcertain and to define accurately what conſtitutes a breach of that allegiance, is eſſentially and abſolutely neceſſary to the ſecurity of all that our anceſtors have claimed, demanded, and inſiſted upon, as the ancient, undoubted rights and liberties of our country.

Gentlemen, the former of theſe objects is ſecured by the law and conſtitutional cuſtom of England; that law, which alike ſecures to you every right, whether it be a right of perſon, or of property. It has made the crown, which his Majeſty wears, hereditary, (and I beg your attention to that) ſubject to limitation by Parliament. The latter object has been moſt anxiouſly ſecured by the ſtatute referred to in the indictment, which brings forward the charge, the truth of which you are now to try.

Gentlemen, the King having this hereditary crown, the law and conſtitution have alſo aſcertained his duties—thoſe duties, which it is incumbent upon him to execute, for the benefit of the ſubject, in the execution of which duties they have aided him with counſel, and in conſideration of which duties they have clothed him with dignity, and veſted him with high prerogatives. With reſpect to the duties of the King, they attach upon him the inſtant he becomes ſuch; from the moment that his title accrues, in the ſame inſtant the duty of allegiance (the breach of which is high treaſon) attaches to it; he recognizes theſe as his duties in that oath, to which, throughout this buſineſs, I muſt again call your attention, in that oath which he is bound to take upon him, at his coronation, to promiſe and ſwear "to govern "the people of this country," (mark the words, Gentlemen) "*according to the ſtatutes in Parliament agreed upon, and the laws* "*and cuſtoms of the ſame*; that to his power he will cauſe law "in juſtice and mercy to be adminiſtered; that he will maintain "the laws of God and the true profeſſion of religion eſtabliſhed "by law."

Gentlemen, this oath, ſtated by that great and venerable conſtitutional Judge, Mr. Juſtice Forſter, to be a ſolemn and a public recognition, not only of the duties of the King, but of the fundamental rights of the people, impoſeth upon him (and throughout this caſe it cannot be too ſtrongly recollected that it impoſeth upon him) the moſt ſacred obligation to govern according to the laws

laws and ſtatutes *in Parliament* agreed upon, according to the laws and cuſtoms *of the ſame*, and no other.

Gentlemen, addreſſing this Court, which is a court of law, in which you, the Jury, are ſworn to make a true deliverance according to the law of England, can I impreſs it too ſtrongly that it cannot be ſuppoſed by poſſibility—not by poſſibility—that the King can, conſiſtently with his oath, and with the antecedent duty recognized in the explicit engagement, the terms of which you have heard, either act, or permit himſelf to act, as King, according to any rules of government, formed by any bodies of men, aſſuming any character, functions, or ſituations, thoſe rules of government being meant to operate as laws, *the ſtatutes agreed upon in parliament and the laws and cuſtoms of the ſame only excepted.*

Gentlemen, it ſeems to me to follow, as a neceſſary concluſion from the reaſoning, to be addreſſed to a court of law, not only that thoſe, who conſpire to remove the King out of the government altogether, but that thoſe, who conſpire to remove him, unleſs he will govern the people according to laws, which are not ſtatutes in parliament agreed upon, and the laws and cuſtoms of the ſame, or as the head of a government, framed and modified by any authority, not derived from that parliament, do conſpire to depoſe him from *that royal ſtate, title, power, and government, which the indictment mentions*, and to ſubvert and alter the rule and government *now eſtabliſhed* in theſe kingdoms. He *ought not* ſo to govern—I ſay he cannot ſo govern—he is bound to reſiſt ſuch a project at the hazard of all its conſequences; he muſt reſiſt the attempt; reſiſtance neceſſarily produces depoſition, it endangers his life.

Gentlemen, to that King, upon whom theſe duties attach, the law and conſtitution, for the better execution of them, have aſſigned various counſellors, and reſponſible adviſers: it has clothed him, under various conſtitutional checks and reſtrictions, with various attributes and prerogatives, as neceſſary for the ſupport and maintenance of the civil liberties of the people: it aſcribes to him ſovereignty, imperial dignity, and perfection: and becauſe the rule and government, as eſtabliſhed in this kingdom, cannot exiſt *for a moment* without a perſon filling that office, and able to execute all the duties from time to time, which I have

now ſtated, it aſcribes to him alſo that he never ceaſes to exiſt. In foreign affairs, the delegate and repreſentative of his people, he makes war and peace, leagues and treaties: in domeſtic concerns, he has prerogatives, as a conſtituent part of the ſupreme legiſlature; the prerogative of raiſing fleets and armies: he is the fountain of juſtice, bound to adminiſter it to his people, becauſe it is due to them; the great conſervator of public peace, bound to maintain and vindicate it; every where preſent, that theſe duties may no where fail of being diſcharged; the fountain of honour, office, and privilege; the arbiter of domeſtic commerce, the head of the national church.

Gentlemen, I hope I ſhall not be thought to miſpend your time in ſtating thus much, becauſe it appears to me that the fact that ſuch is the character, that ſuch are the duties, that ſuch are the attributes and prerogatives of the King in this country (all exiſting for the protection, ſecurity, and happineſs of the people in an eſtabliſhed form of government) accounts for the juſt anxiety, bordering upon jealouſy, with which the law watches over his perſon—accounts for the fact that, in every indictment, the compaſſing or imagining his deſtruction, or depoſition, ſeems to be conſidered as neceſſarily co-exiſting with an intention to ſubvert the rule and government eſtabliſhed in the country: it is a purpoſe to deſtroy and to depoſe *him*, in whom the ſupreme power, rule, and government, under conſtitutional checks and limitations, is veſted, and by whom, with conſent and advice in ſome caſes, and with advice in all caſes, the exerciſe of this conſtitutional power is to be carried on.

Gentlemen, this language, the tenor and charge of every indictment, is moſt clearly expreſſed by Lord Hale, when he ſays that high treaſon is an offence more immediately againſt the *perſon* and *government* of the King: I cannot ſtate it more ſtrongly to you, or from an authority, the authenticity of which will be leſs queſtioned by thoſe, who are to defend the priſoner at the bar, than when I ſtate to you the language of one of the counſel for Lord George Gordon upon the laſt trial for high treaſon; indeed it is no more than what follows the law of England, as delivered by all thoſe great lawyers, whoſe authority, I am perſuaded, will not be attempted to be ſhaken in the courſe of this trial, when it

ſtates

ſtates this principle thus—" to compaſs or imagine the death of " the King, ſuch imagination or purpoſe of the mind, viſible only " to its great Author, being manifeſted by ſome open act, an " inſtitution obviouſly directed not only to the ſecurity of his " natural perſon, but to the ſtability of the government, the life " of the Prince being ſo interwoven with the conſtitution of the " ſtate, that an attempt to deſtroy the one is juſtly held to be a " rebellious conſpiracy againſt the other."

Gentlemen, it will be my duty to ſtate to you preſently what is in law an attempt againſt the life of the King. It ſeems, therefore, that when the ancient law of England (and I would beg your attention to what I am now ſtating to you) that when the ancient law of England was changed, which, even in the caſe of a ſubject, held the intent to kill homicide, as well as, in the caſe of the King, the intent to kill or depoſe, without the fact, where a meaſure was taken to effectuate the intent, treaſon, with a difference however as to the nature of the acts deemed ſufficient, in the one caſe, or in the other, to manifeſt the one or the other intent, that, to uſe the words of a great and venerable authority, I mean Mr. Juſtice Foſter, " it was with great propriety that the " ſtatute of treaſon retained the rigour of the law in its full extent " in the caſe of the King. In the caſe of him, ſays he, whoſe life " muſt not be endangered, becauſe it cannot be taken away by " treaſonable practices, without involving a nation in blood and " confuſion: levelled at him, the ſtroke is levelled at the public " tranquillity."

Gentlemen, that it may be fully underſtood what it is that I have to contend for in the courſe of this trial, I put you in mind again that I have before ſtated that, as it is abſolutely neceſſary to the ſecurity of individuals, not leſs neceſſary to the ſecurity of individuals, than it is neceſſary to the ſecurity of the nation which they compoſe, that the perſon and government of the King ſhould be thus defended; on the other hand, for the ſecurity of the ſubject, it is equally neceſſary that the crime of high treaſon ſhould not be indeterminate, that it ſhould not be unaſcertained, or undefined, either in the law itſelf, or in the conſtruction to be made of that law.

Gentlemen, this neceſſity is not to be collected merely in this country from reaſoning, though it may obviouſly enough be collected from reaſoning; the experience of your anceſtors has informed you, I admit it, and I beg to preſs it upon your attention, as much as any man in this court can preſs it upon your attention, the experience of your anceſtors has informed you in the juſt and bitter complaints which are to be found in their annals, of the periods, in which no man knew how he ought to behave himſelf, to do, ſpeak or ſay, for doubt of pains of treaſon, in the anxiety with which the ſtatute of Edward III. reſerved the judgment of all treaſons not there expreſsly ſpecified—" that the juſtices " ſhould tarry without going to judgment of the treaſon, till the " cauſe be ſhewed and declared before the King and his parlia- " ment;" in the expreſſive language, which our anceſtors have uſed, when the proviſions of the ſtatute of Edward were firſt introduced into the code of law under which we live, and of thoſe ſtatutes, by which treaſons were brought back to the proviſions of that ſtatute, the experience of your anceſtors, thus handed down to you, has demonſtrated this neceſſity. I admit too (and my treating the ſubject thus in the outſet may ultimately ſave your time) that before the ſtatute was made, upon which the indictment proceeds, the ſecurity of the ſubject was not ſufficiently provided for. I admit that ſecurity is not ſufficiently provided for now, if conſtruction can be allowed to give an expoſition to the ſtatute, which the legiſlature did not intend it ſhould receive.

Gentlemen, upon each of theſe heads it was neceſſary for me to trouble you with ſome, and but with a few obſervations.

That the law of treaſon ſhould be determinate and certain, though clearly neceſſary for the ſecurity of the ſubject, is not more neceſſary for their ſecurity, than that there ſhould be a law of treaſon, and that this law ſhould be faithfully, duly, and firmly executed.

Gentlemen, every ſtate muſt have ſome form or regimen of government; in other words, it muſt determine by whom, and under what modifications, the ſovereign power is to be exerciſed in the country; for no government can exiſt, unleſs this power is placed ſomewhere: and the attempt to ſubvert that power is, in the nature of the thing, an attempt to ſubvert the eſtabliſhed government,

government. It is of neceſſity that an attempt of this ſort ſhould be guarded againſt, by ſeverer penalties than offences, which being breaches of particular laws, do not endanger the very exiſtence of the ſtate itſelf, which do not involve, in the deſtruction of the ſtate, the deſtruction of all laws, but which leave the law, though violated in particular caſes, ſufficient, in general caſes, for the protection of the perſonal ſecurity, the liberty and happineſs of the ſubject.

Gentlemen, this is alſo the reaſonings of that great Judge, whoſe name I before mentioned to you, my lord Hale—"The "greatneſs of the offence, he ſays, and the ſeverity of the "puniſhment, is upon theſe reaſons:—Firſt, becauſe the ſafe- "ty, peace, and tranquillity of the kingdom is highly con- "cerned in the ſafety and preſervation of the perſon, dignity, "and government of the King, and therefore the laws of the "kingdom have given all poſſible ſecurity to the King's perſon "and government, and under the ſevereſt penalties."

Gentlemen, to deſcribe this great offence with preciſion and accuracy, was what the legiſlature in Edward's time propoſed, when they enacted the ſacred ſtatute, upon which this indict- ment is founded; that ſtatute was made for the more preciſe definition of this crime, which, by the common law, had not been ſufficiently extended, and "the plain unextended letter "of it," you will mark the words, "the plain unextended "letter of it was thought to be a ſufficient protection to the "perſon and honour of the Sovereign;" but not only to the perſon and honour of the Sovereign, but "*an adequate ſecurity* "*to the laws committed to his execution.*"

Gentlemen, in addreſſing a jury in a court of law, ſworn to make deliverance according to that law, which conſtitutes the court in which they ſit, there are two propoſitions, which appear to me to be alike clear:—The firſt is that I ought not, that I cannot dare to call upon you to ſay, that there has been com- mitted under this ſtatute any offence, if the facts of the caſe to be laid before you, by plain, manifeſt, authorized interpretation of the ſtatute, do not conſtitute an offence under it—if the ſtatute ſhould ſeem to any man, or to you, not to be a ſufficient and adequate ſecurity to the perſon and honour of the Sovereign,

and the due execution of the laws, it is nevertheleſs all the ſecurity which the law has authorized you to give them, and God forbid that you ſhould think of giving more. On the other hand, you are bound by your oaths, if this law has been violated in fact, if the fact of violation is proved by evidence, convincing in its nature, and ſuch in its form, as the law requires (for the law in this caſe requires not only convincing, but formal evidence) then you are bound to give to the perſon and honour of the Sovereign, and to the laws of your country, that protection, which a verdict, aſſerting in ſubſtance that the ſtatute has been violated, would give, and which the ſtatute intended ſhould be given.

Gentlemen, men of honour and of conſcience, acting under the ſanction of the oath that they have taken, muſt come to the ſame concluſion, judging of the ſame facts, by the ſame law, whatever their principles of government may be, unleſs they differ upon the effect of the facts laid before them. In the trial of a perſon, whoſe name I ſhall have abundant reaſon to mention to you in the courſe of this proceeding, I mean the author of the Rights of Man, charged with a libel againſt the monarchy of the country, it was judiciouſly, truly, juſtly, and ſtrongly admitted in effect, that, if the Jury had been compoſed (if there are twelve ſuch men in this country) of Republicans, wiſhing to overturn the government of the country, yet adminiſtering the law of England, in a court of Engliſh law, if they were convinced that the crime had, alluding to that law, been committed, no man would have the audacity to ſay they could be capable of that crime againſt the public, to think for a moment of not coming to the concluſion, which the facts called for, according to the law by which they were ſworn to decide upon the matter before them.

Gentlemen, the ſtatute upon which this indictment proceeds, is to the following effect—it ſtates, (and it ſtates moſt truly) "That divers opinions had been had before this time," that is, the 25 Edward III. "in what caſe treaſon ſhould be ſaid, and in "what not, the King, at the requeſt of the Lords and of the "Commons, hath made a declaration in the manner as here-

"after

" after followeth, that is to ſay, when a man doth compaſs or " imagine the death of our Lord the King, or of our Lady his " Queen, or of their eldeſt ſon and heir; or if a man do violate " the King's companion, or the King's eldeſt daughter, un- " married, or the wife of the King's eldeſt ſon and heir; or " if a man do levy war againſt our Lord the King in his realm, " or be adherent to the King's enemies in his realm, giving to " them aid and comfort in the realm or elſewhere, and thereof " be provably attainted"—by which words I underſtand be attainted by evidence, that clearly and forcibly ſatisfies the minds and conſciences of thoſe who are to try the fact—" attainted of " open deed by people of their condition."—Then there is this, to which you will be bound to give your attention for the ſake of the priſoner, as well as for the ſake of the public, the intereſts of both being blended in this great cauſe—" And be- " cauſe that many other like caſes of treaſon may happen in " time to come, which a man cannot think nor declare at " this preſent time, it is accorded that, if any other caſe, ſup- " poſed treaſon, which is not above ſpecified, doth happen before " any juſtices, the juſtices ſhall tarry without any going to " judgment of the treaſon till the cauſe be ſhewed and declared " before the King and his parliament, whether it ought to be " judged treaſon, or other felony."

Gentlemen, I deſire to point out here, in the moſt marked way in which I can ſtate it, the anxiety, with which the parliament wiſhed to preſerve to itſelf the judgments of treaſons, not being the ſpecified treaſons in the ſtatute, but being like treaſons, thoſe, which by a parity of reaſoning, might be ſaid to be treaſon. They would not truſt the ſubjects of the country in the hand of any court of juſtice upon that point. I mark the circumſtance, becauſe it appears to me to give a degree of authority to the law of England upon the ſubject of treaſon, and to the conſtructions, which have been made upon it, and to the diſtinctions, which have been made between like treaſons, and overt acts of the ſame treaſon, that perhaps does not belong to conſtructions and diſtinctions adopted in the courſe of judicial proceedings upon any other law in the ſtatute book.

Gentlemen,

Gentlemen, having read the ſtatute to you, it is not unimportant, as it ſeems to me, to obſerve that Lord Hale and Mr. Juſtice Foſter, who have ſtated the judicial and other expoſitions of this ſtatute, have ſtated them, and have expounded the ſtatute, under the weighty caution, which they moſt powerfully expreſs: under the ſolemn proteſts, which they moſt ſtrongly ſtate, againſt extending this ſtatute by a parity of reaſon. This circumſtance alone appears to me to give infinite authenticity to the expoſitions, which they ſtate of it, as ſound, and as being ſuch, as according to the interpretation, which the legiſlature in Edward the third's time meant, ſhould be put upon this ſtatute.

Gentlemen, I think it may alſo ſave your time, and that of the court, if I trouble you here by reading, before I ſtate to you the expoſitions of the ſtatute, which Lord Hale has given us, deducing them from judgments which had been actually made in the hiſtory of the country, the language which he holds, as deſcribing the obligations, which courts of juſtice, and men looking at this ſtatute for the purpoſe of executing it, are under, to conſtrue it according to the real ſpecified meaning; not by a parity of conſtruction as to the treaſon itſelf, when they came to conſtrue it.

Lord Hale ſtates it thus—"Although the crime of high "treaſon is the greateſt crime againſt faith, duty, and human "ſociety, and brings with it the greateſt and moſt fatal dangers "to the government, peace, and happineſs of a kingdom or "ſtate, and therefore is deſervedly branded with the higheſt "ignominy, and ſubjected to the greateſt penalties that the "law can inflict, yet by thoſe inſtances"—he is ſtating thoſe that had occurred before the ſtatute of Edward III. and between that and the firſt of Henry IV.—"Yet by thoſe in-"ſtances, and more of this kind that might be given, it ap-"pears—firſt, how neceſſary it was that there ſhould be ſome "fixed and ſettled boundary for this great crime of treaſon, "and of what great importance the ſtatute of the 25th of Ed-"ward III. was in order to that end; ſecondly, how dangerous "it is to depart from the letter of that ſtatute, and to multiply

"and

" and enhance crimes into treaſon by ambiguous and general " words—as accroaching of royal power, ſubverting of fun- " damental laws, and the like; and thirdly, how dangerous it " is by conſtruction and analogy to make treaſons, where the " letter of the law has not done it, for ſuch a method admits of " no limits or bounds, but runs as far as the wit and invention " of accuſers, and the odiouſneſs and deteſtation of perſons ac- " cuſed, will carry men."

In another paſſage, after having given his comment upon this ſtatute—after having ſtated what are the overt acts, which fall within the letter of it, and the ſound interpretation of it, he ſays, " It has been the great wiſdom and care of the parliament " to keep Judges within the bounds and expreſs limits of this " act, and not to ſuffer them to run out upon their own opinions " into conſtructive treaſons, though in caſes that ſeem to have " a parity of reaſon, (*like caſes of treaſon*) but reſerves them to " the deciſion of parliament. This is a great ſecurity as well " as direction to Judges, and a great ſafeguard even to this ſacred " act itſelf; and therefore, as before I obſerved in the chapter " of levying of war, this clauſe of the ſtatute leaves a weighty " memento for Judges to be careful that they be not over haſty " in letting in conſtructive or interpretative treaſons, not within " the letter of the law, at leaſt in ſuch new caſes as have not " been formerly expreſsly reſolved, and ſettled by more than " one precedent."

Gentlemen of the Jury, I am perſuaded, as thoſe were perſuaded who conducted the defence of lord George Gordon, that we live in days, in which the Judges of the country neither have the inclination nor the courage to ſtretch the law beyond its limits. I think myſelf bound to ſtate that, and thoſe, who dare to ſtate the contrary in any place, do not do the juſtice to country, which is due from every individual in it.

Gentlemen, having ſtated thus much to you, I now ſtate, in order to be perfectly underſtood, that I do moſt diſtinctly diſavow making any charge of *conſtructive treaſon*; that I do moſt diſtinctly diſavow ſtating in this indictment *any like caſe*

of

of treaſon not ſpecified in the ſtatute; that I do moſt diſtinctly diſavow ſtating any thing that can be called *cumulative treaſon*, or *analogous treaſon*; that I do moſt diſtinctly diſavow *enhancing any thing, by a parity of reaſon, into treaſon which is not ſpecified in that ſtatute*; that I do moſt diſtinctly diſavow *enhancing crimes of any kind, or a life ſpent in crimes*, if you chuſe ſo to put it, into treaſon, if it be not treaſon *ſpecified in the ſtatute*, and the queſtion between us I ſtate diſtinctly to be this—whether the defendant is guilty of a treaſon *ſpecified in the ſtatute*, and whether the evidence that is to be brought before you amounts to that proof, that will be ſatisfactory to your minds and conſciences, your minds and conſciences being prepared to admit no proof, but what you think you ought to receive under the obligation of an oath, proof high enough that he may be probably attainted of open deed, of a treaſon ſpecified in the ſtatute.

Then, Gentlemen, to ſtate the charge to you:—The indictment charges the defendant with compaſſing and imagining the King's death, and with having taken meaſures to effectuate that purpoſe.—Now, that it may be thoroughly underſtood, you will permit me to ſtate to you here, that there is not only a manifeſt diſtinction in reaſon, but a ſettled diſtinction in the courſe of judicial practice, ſettled for no other cauſe but that it was a manifeſt diſtinction in reaſon, between—"like caſes of "treaſon," conſtructive, analogous, or cumulative treaſons, and various overt acts of the ſame treaſon.

Gentlemen, whether the acts laid as overt acts of treaſons, ſpecified in the ſtatute, and ſpecified in the indictment, amount, in all their circumſtances, to an open deed, or deeds, by which a perſon may be provably attainted of the ſpecified treaſon, is the queſtion which a Jury are to try. To explain myſelf upon this, I take it to be clear, and I will not, in this ſtage of this buſineſs at leaſt, enter into the diſcuſſion of what I call the clear and eſtabliſhed law of England, becauſe I will not, in a caſe of high treaſon, any more than I would in a diſpute about the eſtate of any Gentleman who hears me, for the purpoſe of arguing points,

enter into diſcuſſions upon what I take to be the clear and eſtabliſhed law of England, and not only the ſecurity of the ſubject in this reſpect, but the ſecurity of the ſubject in no reſpect, in his perſon, his life, or his property, can be taken to exiſt in this country, if I am not as fully authorized to ſtate to you, with as much confidence, what the law is, in caſe of treaſon, from the deciſions, which for centuries have been made in courts reſpecting it, as I am to ſtate to you, from deciſions of courts reſpecting property, what the law of property is; I ſay I take it to be clear that depoſing the King, entering into meaſures for depoſing the King, conſpiring with foreigners and others to invade the kingdom, going to a foreign country to procure the invaſion of the kingdom, or propoſing to go there to that end, and taking any ſtep in order thereto—conſpiring to raiſe an inſurrection either to dethrone the King, impriſon the King, or oblige him to alter his meaſures of government, or to compel him to remove evil counſellors from him, are and have all been held, as Mr. Juſtice Foſter ſays, to be deeds proving an intent to do that treaſon, which is mentioned in the ſtatute to be overt acts of treaſon in compaſſing the King's death.

It would be very extraordinary if theſe great judges, Foſter and Hale, after holding the language they have ſtated, were to be repreſented by any man, as not acting themſelves under the effect and influence of that weighty memento, which they held out to thoſe, who were to ſucceed them in the ſeat of judgment; yet I ſtate all this to you in the words, in which theſe learned judges have handed down the expoſition of the ſtatute, who would have ſuffered death, for they both valued the liberties of their country, before they would have charged "a like caſe of treaſon" in an indictment, and yet they have concurred (as all the judges of England have done, and the parliament into the bargain) in the conſtruction and expoſition of the ſtatute, (and in fact executions have been made upon it), that all theſe things are overt acts of the ſame treaſon, that is ſpecified in the ſtatute. What is the reaſon of it? becauſe the law holds that he, who does an act, meaning to do it, which may endanger the King's life, compaſſes and imagines the death of the King, if he does an act which may endanger his life, if, in the ordinary courſe of things, and, according

cording to the common experience of mankind, the meaſure which he takes, in purſuance of a purpoſe to take it, will bring the King to his grave.

This therefore is not raiſing conſtructive treaſon, it is not raiſing treaſon by analogy, it is not ſtating "like caſes of treaſon" not ſpecified in, but reſerved by the ſtatute to the judgment of parliament, but it is ſtating overt acts, which are meaſures taken in purſuance of treaſonable purpoſes, which meaſures muſt neceſſarily be as various in their kinds, as the ways and means, by which, in facts and open deeds, taken in purſuance of its purpoſes, the human heart manifeſts its intent to commit ſome one or other of the treaſons ſpecified in the ſtatute.

Gentlemen, the reſerving clauſe in the act is extremely material; and, if courts and juries have done wrong in the manner in which they have executed this ſtatute, if the interpretations, which they have made of the ſtatute, are not right, they have done it againſt a prohibition in the ſtatute, which they were called upon by their oaths duly to expound, and they have done it in the preſence and under the eye of that parliament, which had expreſsly forbidden them to do it. I ſay the concluſion upon that is, that they have done it rightly.

Gentlemen, the judgment of the courts of law are in this country perfectly familiar to parliament. Acts have been made, over and over again, in order to bring back the expoſitions of the law to the true conſtruction, to the letter, which is the true conſtruction, in a ſound judicial ſenſe, to bring it back again to the ſtatute of Edward III.; but we have lived to this hour without parliament thinking that they were to make ſo perfectly a dead letter of the letter of the ſtatute, as that they ſhould ſay that an overt act, which expreſſed and imported the imagination of the mind to do the treaſon ſpecified, ſhould not be taken to be an act of high treaſon within the ſtatute; becauſe the ſtatute only mentions the thing which is to be compaſſed and imagined, and does not mention the ways and means, by which the human heart may ſhew and manifeſt that it does compaſs and imagine what the ſtatute ſpeaks of.

Gentlemen, this is not all, becauſe this is not only according to the law of England, as it is adminiſtered in courts of juſtice,

but alſo to the proceedings in parliament, which are a parliamentary expoſition, if I may ſo ſtate it, of the law. Proceedings in parliament have been had, where the ſtatute has been thus conſtrued, and where this diſtinction that I am ſtating between overt acts of the ſpecified treaſon and the "like caſes of treaſon," has been expreſsly taken, expreſsly acted upon, propoſed by one houſe of the legiſlature to the other houſe, and acted upon by the crown in executing the ſentences of that houſe.

Gentlemen, the diſtinction then is only this—"a like caſe of "treaſon" is a caſe of treaſon not ſpecified in the ſtatute, a caſe of the like miſchief, as a caſe ſpecified in the ſtatute; but the identical caſe ſpecified in the ſtatute muſt be before you, or, to avoid all diſpute upon the ſubject, I ſay, if it is a caſe that is not ſpecified in the ſtatute, it is a caſe that muſt be ſhewn to parliament according to the directions of the ſtatute; but that facts alike in their nature, that open deeds alike in their nature and tendency, however various in their circumſtances, may prove the ſame intention to exiſt in the minds of thoſe who do them, and may be meaſures, taken in purſuance of the ſame purpoſe, and to effectuate the ſame thing, is a diſtinction that appears to my mind to be perfectly obvious.

Gentlemen, I conceive therefore that the queſtion of compaſſing the King's death is this—whether the jury are fully ſatisfied, conſcientiouſly ſatisfied, that they have that evidence, by which they find that the acts, laid as overt acts of compaſſing the particular ſpecified treaſon mentioned in the indictment, were meaſures taken in purſuance of and to effectuate that treaſon ſpecified at once in the ſtatute, and in the indictment.

Gentlemen, I proteſt for myſelf I am ſorry to trouble you thus much at large by general reaſoning, but you will find that it has an application, and a cloſe application to the caſe; this is an important public cauſe, and therefore we ſhould be thoroughly underſtood. I cannot underſtand what conſtructive overt acts mean, though I do underſtand conſtructive treaſons. Levying war againſt the King, not againſt his perſon, but againſt his royal majeſty, is conſtructive treaſon; that is, if men aſſemble together without any intent to do an act, which in the natural conſequence of things will affect the King's life, ſuch as pulling down

down all priſons or houſes of any other deſcription, that is conſtructive treaſon, it being, by conſtruction, as Mr. Juſtice Foſter ſays, againſt the King's royal majeſty, not levied againſt his perſon; not one of the acts of a more flagitious kind, wilfully done or attempted to be done, by which the King's life may be in danger, but which are levelled againſt his royal majeſty; theſe have by conſtruction been held to be treaſon: but even theſe the legiſlature has never conſidered as not authoriſed by the letter of the ſtatute; theſe they have permitted to be proceeded upon in the country as ſound deciſions and conſtructions upon the act of parliament: many have been convicted upon them; execution hath followed; and no one hath ever doubted either the law or the juſtice of theſe determinations. But, as to conſtructive overt acts of compaſſing and imagining the death of the King, where the indictment lays the imagining and compaſſing as the offence, the overt act is not conſtructive, the ſtep taken to effectuate it muſt be ſuch an act, wilfully and deliberately done, as muſt ſatisfy the conſcience of a jury, that there was an intention, by depoſing, or otherwiſe, to put the King in circumſtances, in which, according to the ordinary experience of mankind, his life would be in danger.

Gentlemen, I have before ſtated to you, for another purpoſe, various acts, which are overt acts of compaſſing the King's death. I will repeat them ſhortly: "Depoſing him,—entering into "meaſures to depoſe him,—conſpiring to impriſon him"—which you obſerve is an act that may be done without an actual intent to put him to death,—a man may conſpire to impriſon the King without an actual intent to put him to death, but you will find the reaſon why that is held to be compaſſing and imagining the death of the King with the ſanction of all times ſince this ſtatute of Edward III. and with the ſanction of every ſpecies of judicial authority, which the country could give; "to get his "perſon into the power of conſpirators"—Why is all this treaſon? "becauſe," ſays Mr. Juſtice Foſter, "the care, which the law "hath taken for the perſonal ſafety of the King, is not confined "to actions or attempts of a more flagitious kind, ſuch as at-"tempts either to aſſaſſinate, or to poiſon, or other attempts di-"rectly and immediately aiming at his life; it is extended to

"very

" every thing, wilfully and deliberately done, or attempted,
" whereby his life may be endangered, and therefore the enter-
" ing into meaſures for depoſing, or impriſoning him, or to get
" his perſon into the power of the conſpirators, theſe offences are
" overt acts of treaſon within this branch of this ſtatute, for ex-
" perience hath ſhewn that between the priſons and the graves of
" Kings the diſtance is very ſmall," and experience has not grown weaker upon this ſubject in modern times: Offences, which are not ſo perſonal, as thoſe already mentioned, have been, with great propriety, brought within the ſame rule, as having a tendency, though not ſo immediate, to the ſame fatal end.

Lord Hale upon this ſays, " though the conſpiracy be not
" immediately, and directly, and expreſsly the death of the King,
" but the conſpiracy is of ſomething that in all probability muſt
" induce it, and the overt act is of ſuch a thing as muſt induce it,
" this is an overt act to prove the compaſſing the King's death."
The inſtance he gives, as expoſitory of his text is this: " If men
" conſpire to impriſon the King by force and a ſtrong hand till
" he hath yielded to certain demands, and for that purpoſe ſhall
" company or write letters, this is an overt act to prove the
" compaſſing of the King's death." What is the reaſon? he gives the ſame in ſubſtance, though different in the terms of it, as that which has been aſſigned by Mr. Juſtice Foſter: " for it is in
" effect to deſpoil him of his Kingly government." Theſe are the words of Lord Hale; and, though the reaſons given by Lord Hale and Mr. Juſtice Foſter are different in words, they are the ſame in ſubſtance: it may be ſaid, with equal truth, between deſpoiling a King of his Kingly government and the graves of Kings the diſtance is very ſmall. Impriſonment is the ſame as depoſition, and he who compaſſes the depoſition of the King, according to all judicial conſtruction, compaſſes his death; it is the ſame as depoſition, becauſe it is a temporary deſpoiling him of his Kingly government, which, according to this interpretation of the law, uſually ends in death.

Gentlemen, offences not ſo perſonal as thoſe enumerated fall within the ſame rule, as having a tendency to the ſame fatal end: if foreigners are not at war with you, the offence of going into a foreign country, or propoſing to go there, or taking any ſtep

thereto in order to invite foreigners into this kingdom for a treaſonable purpoſe, can only fall within that branch of treaſon of compaſſing the King's death: if they are at war with you, then the ſame act amounts to another ſpecies of treaſon, which is an "adhering to the King's enemies;" and perhaps you will find that the caſe I have to ſtate is not without pregnant evidence of this ſpecies of overt act.

Gentlemen, having ſtated thus much to you, I proceed now to conſider the indictment, and what I have ſtated, before I mentioned the ſubſtance of the indictment, I have ſtated to lay in my claim to full credit with you, when I ſay, that no man living can wiſh to expreſs to you more ſtrongly than I wiſh to do (we have indeed, each of us, as great an intereſt in the true conſtruction of this law, as any other man can have in it), that the law of treaſon, in conſidering the charge, that I have brought before you under the command, that has authoriſed me to bring it here, muſt not be extended one ſingle iota beyond what is the eſtabliſhed law in this country, as eſtabliſhed as the law is, that ſays that the property, that you bought yeſterday, you may give to whom you pleaſe to-morrow.

Gentlemen, the indictment, finding ſeveral perſons entitled to be tried ſeparately, though indicted jointly, combined in a particular act, which I will ſtate by and by, has charged them with compaſſing the King's death: it has then proceeded, becauſe the compaſſing and imagination of the heart cannot be known to man—and there muſt be an overt act to manifeſt it—it has charged them with meeting among themſelves to cauſe and procure a convention of divers ſubjects of the King to be held within this kingdom, and not only a convention to be held within the kingdom, but to be held *with intent and in order that the perſons to be aſſembled at ſuch convention and meeting ſhould and might, wickedly and traitorouſly, without, and in defiance of the authority, and againſt the will of the parliament of this kingdom, ſubvert and alter the legiſlature, rule, and government, eſtabliſhed in it, and depoſe the King from the royal ſtate, title, power, and government thereof.*

It then charges them with having compoſed, written and publiſhed, and cauſed to be compoſed, written, and publiſhed, divers books, pamphlets, letters, inſtructions, reſolutions, orders, declarations, addreſſes and writings, ſuch books, pamphlets, let-

ters, inſtructions, reſolutions, orders, declarations, addreſſes, and writings, ſo reſpectively compoſed, written, publiſhed, and cauſed to be compoſed, written, and publiſhed, purporting and containing therein (among other things) incitements, encouragements, and exhortations, to move, induce, and perſuade the ſubjects of the King to chooſe, depute, and ſend perſons, as delegates, to compoſe, not a convention, but SUCH a convention and meeting, that is, *a convention to act in the manner that the firſt overt act has ſtated it, to be holden for the traitorous purpoſes before mentioned.*

It then ſtates, as a third overt act, conſultations among them, how, when, and where, *ſuch* convention and meeting ſhould be aſſembled, and held, and by what means the ſubjects of the King might be induced and moved to ſend perſons as delegates to conſtitute it.

It then charges, that theſe perſons did conſent and agree, that Mr. Joyce and ſeveral other perſons named, ſhould meet, confer, and co-operate among themſelves, and with other traitors, to cauſe the calling and aſſembling *ſuch* convention and meeting for *ſuch traitorous purpoſes.*

It then charges the providing of arms, of different deſcriptions, for theſe purpoſes; and then it charges a conſpiracy to make war in the kingdom, and it charges a conſpiracy to ſubvert and alter the legiſlature and government of the kingdom, and to depoſe the King; that is, as I underſtand it, that, if you ſhould not be ſatisfied that the calling ſuch a convention, as is mentioned in the firſt part of the indictment, was a mean to effectuate that compaſſing and imagination, which is mentioned in the introductory part of the indictment, yet you will find in the evidence, which is to be laid before you, even if you pay no attention to that circumſtance of calling a convention, ſufficient evidence *of a conſpiracy to depoſe the King.*

It then ſtates again, that they publiſhed ſeveral books, and other matters of the ſame kind, in order to bring about the traitorous purpoſes *laſt mentioned*; and charges, as a further overt act, providing arms for that purpoſe.

Now, Gentlemen, having before ſtated to you, that a conſpiracy to depoſe the King, and I have not ſtated it to you in my

own words, but in the words of the authorities I mentioned, that a conſpiracy to depoſe the King, that a conſpiracy to impriſon the King, a conſpiracy to procure an invaſion, with ſteps taken to effectuate ſuch a conſpiracy, (a conſpiracy indeed itſelf being a ſtep for that purpoſe,) is treaſon, you will obſerve that, in this indictment, a conſpiracy to depoſe the King is expreſsly charged, and, I think, it will be clearly proved. If a conſpiracy to depoſe the King be an overt act of high treaſon, permit me then, to aſk you, what can a conſpiracy to ſubvert the monarchy of the country, including in it the depoſition of the King, be, but an overt act of high treaſon? In the object of ſuch a conſpiracy the King is neceſſarily involved, and it is already ſhewn that conſpiring to depoſe him is compaſſing his death.

Gentlemen, read as you are in the hiſtory of the country, give me leave to aſk you, if meaſures had been taken, after the Revolution, to effectuate a conſpiracy to dethrone King William, and to reſtore King James, without all doubt, the meaſure taken, would have conſtituted the crime of high treaſon within the clauſe of compaſſing the King's death, although the conſpirators could have been ſhewn ſatisfactorily to have no more meant the actual natural death of King William, than they meant the actual natural death of King James, whom they intended to replace upon the throne—but what ſays the law to that—the law ſays you cannot mean to depoſe the King without meaning to endanger his life, and, if you mean to endanger his life, you muſt abide the conſequences of it.

Put it another way—If the project had been to depoſe the ſame King William, and meaſures had been taken upon it—not with a view to bring back to the throne King James II, but merely to ſend back King William to his former character of Prince of Orange, and not to reſtore King James, but to reſtore a Commonwealth, which is, what I think, I ſhall ſatisfy you, thoſe, who are charged by this indictment, meant by "a full "and fair repreſentation of the people," whether you call it "a "full and fair repreſentation of the people *in parliament*," or do not uſe the words "in parliament," can a lawyer be found to ſay that it could be ſtated in law that it is not high treaſon? I

don't

don't know what may not be ſtated—all that I mean to ſay at preſent is, that according to the beſt lights which I can get of the law—under which I have lived, it does not appear to me to be probable, that any man will ſo ſtate it. Far be it from me, however, to have the vanity to ſay that (avowing that I ſhould certainly not think of encountering the current authorities of the country for centuries,) I am, without the poſſibility of contradiction, ſtating that I am following the authorities of the country for centuries; but I am ready to ſay this, that I cannot conceive or imagine by what ſpecies of reaſoning, or upon what principle, or upon what authority, it is to be contended, that this would not have been high treaſon.

Gentlemen, take it another way. If the regicides of King Charles I. had been tried for compaſſing the death of King Charles I. ſuppoſing they had only depoſed him, inſtead of putting him to death, could they have contended, that, though they would have been guilty of high treaſon, if they had placed another individual upon the throne, (which would have been alike to the caſe I have put of conſpiring to put James in the place of William) could they have contended then, that they were not guilty of high treaſon, becauſe they depoſed the King, without ſubſtituting another King in his place, and becauſe they left the government to be filled up by the Commonwealth without a King?

Give me leave to aſk another thing—Suppoſe it had happened after King William came to the throne, that not thoſe events, that did actually happen, took place, but that any ſet of men in this country ſhould have ventured to meet in a convention of delegates from affiliated ſocieties, for the purpoſe of depoſing King William, under pretence of aſſembling a convention of the people, having, or claiming the civil and political authority of the country, and intending to have no King in the country, would it have been poſſible in King William's time to have contended, becauſe they met, under pretence of being a convention of the people, aſſuming to themſelves civil and political authority, and with ſuch meaning, that the conſpiracy was not as

completely a compaſſing the death of King William, as if the conſpiracy had been, by the ſame perſons, in the caſe of affiliated ſocieties, forming the like convention of delegates, to bring King James again to the throne?

If I levy war in this country againſt the King, with intent to bring another upon the throne, I am guilty of high treaſon. If I levy war, that is an overt act of compaſſing the King's death. If I conſpire to levy direct war, that is a compaſſing the King's death, unleſs all the branches of the legiſlature have put a man to death upon an error. If I hold a fortreſs againſt the King to put another upon his throne, I am guilty of high treaſon. Am I guilty of no offence if I do the ſame acts, not for the purpoſe of continuing the monarchy of the country in another perſon, but for the purpoſe of deſtroying the monarchy altogether? What is this but doing an act involving in it high treaſon, and more? High treaſon in depoſing the King! more—in bringing about all that additional anarchy, which we know, which the experience of mankind proves to be conſequent upon the change, where the change is not only of the perſons who adminiſter the government, but of the government itſelf, if *deſtruction* can be called *change?*

Gentlemen, to aſſert therefore that meaſures, taken for a total ſubverſion of the monarchy of the country, including in it an intention to depoſe the King, (mark the words, I ſtate, including in it an intention to depoſe the King,) are not overt acts of compaſſing the King's death, merely becauſe the ſtatute of Edward III. has not included all overt acts in words, but has left to juries to determine what are overt acts, by which they can probably attaint—to aſſert that the ſtatute does not include the caſe, becauſe it is compaſſing the death of the King, *and more*; if this were to be aſſerted in a court of juſtice, (what is aſſerted out of a court of juſtice no man pays much attention to,) I ſhould certainly ſay of it, that it was the aſſertion of thoſe who had ill conſidered the law, and if aſſerted out of a court of juſtice, and with a reference to what is to be done in a Court of Juſtice, I ſhould ſay it deſerved to have an obſervation of a harſher kind made upon it.

This

This indictment, beſides charging a conſpiracy to depoſe the King, in expreſs terms, of which I ſhall inſiſt before you there is abundant evidence, charges a conſpiracy to call a convention *againſt the will, in defiance of*, and *againſt the authority of parliament*, for the *purpoſe of depoſing the King*; it charges further acts, namely, that they cauſed to be compoſed and written divers books, pamphlets, letters, inſtructions, reſolutions, orders, declarations, addreſſes, and writings, containing incitements, inducements, and exhortations, to move, ſeduce, and perſuade the ſubjects of the King to ſend delegates to *ſuch convention*, as to which I ſay of many of them, though I did not know their real character till I had ſeen them altogether, that they are both overt acts, and evidence of overt acts of high treaſon.

Now, before I ſtate to you the particulars of the evidence, I am afraid I muſt, however painful it is to me to aſk ſo great a portion of your attention, trouble you with ſome general obſervations, that I think will have a tendency to render intelligible to you the complicated maſs of evidence, which I have to lay before you.

Gentlemen, the Convention, meant to be called by thoſe who are charged with the conſpiracy in this indictment, was, as I collect from the effect of the evidence, a convention of perſons, who were to aſſume the character of a convention of the people, claiming, as ſuch, all civil and political authority, propoſing to exerciſe it by altering the government, otherwiſe than by acts of the preſent conſtituted legiſlature, otherwiſe than by thoſe ſtatutes, according to which the King has ſworn at the hazard of his life to govern.

Gentlemen, if this is made out, it appears to me to follow neceſſarily on the part of all who took a ſtep to aſſemble it, that they are guilty of a conſpiracy to depoſe the King, to depoſe him from the character, which he holds in the conſtitution of the ſovereign power of this kingdom, as by law eſtabliſhed, that law by which, I again repeat to you, he is ſworn to govern.

Gentlemen, if they conſpired to aſſemble in a Convention, which was of its own authority, and againſt the will of the legiſlature, and in defiance of it, to act as an aſſembly to conſti-

tute a government, and to aſſume ſo far ſovereign power, it is, I conceive, according to the law of England, a conſpiracy to depoſe from the ſovereignty him, who, under the reſtraints of the conſtitution and the law, now holds that ſovereignty. There cannot be two ſovereign powers in a ſtate; there may be a complication of authorities veſted in a great variety of perſons, making up one ſovereign power, but there cannot be two ſovereign powers in a ſtate: it is impoſſible. If a meeting aſſembled, as a convention of the people, arrogating to themſelves all civil and political authority as ſuch, and meaning to exerciſe it, one or other of theſe conſequences muſt follow: the King and the parliament muſt be obedient to the meeting, or the meeting, aſſembled as a convention, muſt be obedient to the King and parliament: if the meeting is to be obedient to the King and parliament, it cannot effect its purpoſes; it is impoſſible: if its purpoſe be to depoſe the King, I ſay, a conſpiracy to call ſuch a meeting is an overt act of high treaſon.

Gentlemen, I beg your attention to my expreſſions; if the meeting means to oblige the King and parliament to be obedient to them by the exertion of open force, though it may not effect its purpoſe, that makes no difference, the law muſt be the ſame.—I may be wrong perhaps in ſtating the law, but it appears to me that the law muſt be the ſame if the meeting projects the purpoſe, whether the force of the meeting is ſufficient to effect the purpoſe or not.

This I ſay is a conſpiracy to aſſume the ſovereign power: it is a conſpiracy therefore of neceſſity meant to depoſe the exiſting power, and of neceſſity to depoſe the King. I ſay meant to depoſe, for I repeat it, that whether the conſpiracy is ſucceſsful or not, is immaterial.

Gentlemen, though the particular fact of calling ſuch a convention, now alledged as an overt act of treaſon, may be repreſented to be new in the hiſtory of this country, it is not therefore, and becauſe it is new, only inaſmuch as it is more than ordinarily audacious, leſs an overt act of compaſſing the death or depoſition of the King, if the intent of it was to ſubvert the ſovereign ruling power.

Gentlemen,

Gentlemen, there is another diſtinction, which I would beg your attention to. It is of no conſequence whether the firſt meeting, propoſed to be aſſembled, *was deſigned to be a convention, that ſhould aſſume all civil and politieal authority*, or *was only to deviſe the means of forming a conſtituent aſſembly, a body, which ſhould aſſume it*; for any act taken towards aſſuming it againſt the will, in defiance of, and againſt the authority of the King and parliament, and removing him from that ſituation in the character of ſovereign, which he has in this country; any act taken towards the formation of a body, which was to aſſume ſuch authority, is an act of conſpiring the depoſition of the King, any act towards convening a national aſſembly, to act with ſovereign power, not formed by the legiſlature, is an act done towards depoſing the King, who now has, under the reſtraints of the conſtitution, and the proviſions and limitations of the law, the ſovereign power veſted in him, you cannot ſet about organizing a body, which is thus to act, without meaning to depoſe the King, without meaning to form a body, that is to uſurp the powers of government.

Gentlemen, I think the evidence, that I ſhall lay before you, will moſt abundantly ſatisfy you that the convention, which the perſons charged conſpired to form, was a convention to alter the whole form of the ſovereign power of this country, that it was to form, or to deviſe the means of forming *a repreſentative government*—to veſt in a body, founded upon univerſal ſuffrage and the alledged unalienable, and, as they are called, impreſcriptible rights of man, *all the legiſlative and executive government of the country*; that a conſpiracy to this end would be an overt act of high treaſon, I preſume cannot be diſputed; it depoſes the King in the deſtruction of the regal office in the conſtitution of the ſtate.

Gentlemen, I go further: if it had been intended to have retained the name and office of the King in the country, and to have retained it in the perſon of the preſent King, creating, however, by the authority of the intended convention, a new legiſlature, to act with him, provided they would allow him to act with ſuch new legiſlature, and thus calling upon him to act againſt the expreſs obligations of his coronation oath, if he could forget it, it ſtill would have been a conſpiracy to depoſe him from his royal authority,

authority, as now eſtabliſhed: if he refuſed to act, he muſt neceſſarily be depoſed from that authority; if he did accept, he was not the King of England, as he is eſtabliſhed by law the King of England. But he could not accept; he could not ſo govern; he is ſworn not ſo to govern; he muſt refuſe, muſt reſiſt, and, in conſequence of reſiſting, his life muſt be in danger.

Take it either way, that perſons conſpired to form a convention to aſſume all civil and political authority, as pretending to be a convention of the people (I care not with how much audacity they pretend to be a convention of the people), or to deviſe the means of conſtituting ſuch a convention, in order, and with the intent, and againſt the authority of parliament, that there ſhould be no King, or in order to the erecting, by their own authority, a new legiſlature to act together with a King, and together with *the* King, if they permitted *the preſent* to be *the King*, I ſubmit that ſuch a conſpiracy is an overt act in the true conſtruction of law, and high treaſon in compaſſing the King's death. The King muſt be depoſed while ſuch a new conſtitution was framing; he could not treat with ſuch a convention till he had been depoſed; it could be thoſe only, that had ſovereign authority, that could frame a conſtitution: then he is ſurely, by this, deſpoiled of his Kingly government, even as in a caſe of temporary impriſonment. I repeat again, that he could not, conſiſtently with his coronation oath, do otherwiſe than reject it when framed: it muſt be taken for granted he would reject it; his life, therefore, could not but be in danger. To ſuppoſe that ſuch a meeting, which propoſed a new conſtitution, would depart quietly home, and not act, if it was not accepted, is out of the reach of all human credulity; it is not, according to the ordinary courſe and experience of mankind, to ſuppoſe that they ſhould meet in numbers, and make no uſe of their numbers, if the ſhew of them did not produce the effect intended: this is not according to the ordinary courſe and experience of mankind.

Gentlemen, the King in his parliament could not be the ſovereign power the moment the meeting could act as a national conſtituting aſſembly, or could direct, with effect, ſuch an aſſembly

bly to meet. The power ſo to act, or to organize with effect ſuch a meeting, that ſhould ſo act, muſt *pro tempore* depoſe every other power. This is the character of a convention of the people, I think, as given in the evidence I have to lay before you. With reſpect to the defendant, I think I ſhall ſatisfy you he conſpired to call ſuch a convention, and that he ſaid that the convention which I am to call is irreſiſtible, it is unlimited, it is uncontrollable, and that by ſuch a Convention, my *full and fair repreſentation of the people*, or *a full and fair repreſentation in parliament* (if you chooſe to take that expreſſion, for it is not mere expreſſion that determines what men mean), is to be accompliſhed.

Gentlemen, in the country in which I am ſpeaking, when a vacant throne was given (I am now alluding to the time of King William) by thoſe, who, as they are ſtated in the Bill of Rights, repreſented all the eſtates of the people of this realm, to King William and Queen Mary, they, who gave it, ceaſed to have or to exerciſe the power of ſovereignty in that inſtant, as every lawyer muſt ſpeak of it, in that inſtant the ſovereign power of this country became veſted in *the King and Queen* upon the throne, to be exerciſed in legiſlation, undoubtedly, with the advice and conſent of parliament, formed according to the law and cuſtom of the country —incapable of being exerciſed otherwiſe, and, as to the executive authority, exerciſed under the control of proviſions and limitations of the law and conſtitution, and with the advice which, in every act which the King does, makes ſomebody reſponſible.

I inſiſt that the deſign of conſpiring to aſſemble the people, who were to act as a Convention of the people, claiming all civil and political authority, or claiming power to alter, againſt its will, the conſtituted legiſlature, or a Meeting to form the means of bringing together ſuch a Convention ſo to act, is an attempt to create a power ſubverſive of the authority of the King and parliament, a power, which he is bound by oath to reſiſt at all hazards. But it will not reſt here: This will be ſufficiently proved; but evidence will likewiſe be offered to you as ſatisfactory to prove that the expreſs object of calling this Convention, the expreſs object of appointing a Committee

a Committee of Conference and Co-operation, which was to devise the means of conſtituting ſuch a Convention, was ultimately and finally, and in their proſpect, *the depoſition of the King.*

Gentlemen, beyond this, and ſuppoſing it not to be proved, the indictment has charged as overt acts, a conſpiracy, without the mean of a Convention, and not through that medium, to depoſe the King; if that conſpiracy is made out by other acts, though neither a Convention, aſſuming all political authority, nor a meeting to deviſe the means of calling a Convention, which ſhould aſſume all political authority, was intended, yet the Indictment is made good.

Gentlemen, the Indictment further charges as an overt act of compaſſing the King's death, which without queſtion it is, the conſpiracy to levy war; I do not mean conſtructive war. This I ſtate, without queſtion, to be an overt act of compaſſing the King's death. A riſing to oblige the King to alter his meaſures f government amounts to levying war within the ſtatute. A conſpiracy to levy war for this purpoſe is an overt act of compaſſing the King's death. If they conſpired to form a *repreſentative government*, excluding the King entirely, which I ſay is the fact, or, if they conſpired not to form a repreſentative government, excluding the King entirely, but yet to compel him, by their own ſtrength and force, to govern with others, and without thoſe, which he choſe to remain with him, by whoſe advice and conſent alone he is ſworn and bound to govern, I mean the great Council of the nation, the Lords in Parliament aſſembled, the Commons in parliament aſſembled, according to the conſtitution of the country, and to ſubſtitute againſt his will, and againſt the will of the preſent conſtituted authority of the country, another authority, formed on the principles of univerſal ſuffrage and annual repreſentation, and ſo formed without the authority of Parliament, I muſt ſubmit to the Court, and to you, that conſpiring to do this would be an overt act of treaſon of depoſing the King, and therefore of compaſſing his death.

Gentlemen, you will alſo obſerve the indictment has charged, proof will be offered to you to make it out, that theſe objects meant to be carried by force, by actual force.

Gentlemen,

Gentlemen, the caſe, as I have hitherto repreſented it, is not a caſe aiming merely at intimidating the legiſlature, and inducing it by an act done, which was, according to the forms of the conſtitution, to bury the conſtitution in its grave, to new-mould the ſovereign power; the caſe goes far beyond this; application in any ſhape to Parliament was not only diſavowed, but the very competency of Parliament, if applied to, to make a law to new-model the government, was diſputed, and denied: the idea of that competency was held to be irreconcileable to the very principle upon which theſe perſons aſſembled. I muſt however inſiſt, and I mean to do it, with the full concurrence of my humble opinion, that a conſpiracy to compel the King, by force, againſt his will, to give his aſſent to an act obtained from the houſes of Parliament in order to alter the government and frame of the conſtitution of the country, whether it was obtained from the two houſes of parliament, or either of them, by overawing them, or not overawing them, that a conſpiracy, by force, to compel the King, in the exerciſe of the higheſt and moſt eſſential act of the ſovereignty of this country, in the act of giving his conſent to ſuch an act, to compel him, by force, to do that, is unqueſtionably an overt act of treaſon in depoſing him, and in compaſſing his death. It is neither more nor leſs, to explain it in a word, than to ſubſtitute the will of thoſe, who conſpired to force him, in the room of that Royal will, in which, and by which alone, the laws of this country, and the conſtitution of this country have ſaid that a bill (however obtained before it comes to him) ſhall receive the authority of a Statute.

Gentlemen, I have thought it neceſſary to ſtate thus much before I come to ſtate the circumſtances of the caſe, and I will ſtate to you in a word why. It is not to be expected by perſons, who execute the great and important duty in the great and important ſtation, the functions of which you are now called upon to execute, that Counſel at the bar ſhall be able to ſtate to you law, that no man can queſtion the ſoundneſs of: nay, Gentlemen, it is not to be expected by you that Counſel at the bar ſhould be able to ſtate to you in all caſes law, which men of grave character, and excellent underſtandings, of great reaſon,

and great experience in their profeſſion, may not diſpute the ſoundneſs of. It is the duty of counſel, more particularly it is the duty of that counſel, who ought to remember that, if, in proſecuting the ſubject, he preſſes him unfairly, he betrays in the moſt eſſential point the duty which he owes to the ſovereign: it is his duty to endeavour faithfully and honeſtly to explain, and expound the law, that is, to apply to the facts of the particular caſe, reaſoning upon the law, according as he is able to do it, in the exerciſe of painful induſtry, exerted under the reflection that he is under much obligation at leaſt to endeavour to repreſent the law truly.

Gentlemen, I have thought it my duty, in a proſecution, the principles of which intereſt the civil happineſs of all mankind, to mention diſtinctly and fairly what are the principles upon which I proceed: I have no doubt, in my own mind, but that I have ſtated theſe doctrines as the law of England would ſtate them, and I claim from you and from the public that, in the fair exerciſe of my duty, conducted under ſuch a ſenſe and underſtanding of that duty, as I have now explained to you, you and they will do me the credit at leaſt to think, that the principles which I have ſtated are ſuch, as I believe to be ſanctioned by the law of England.

Gentlemen, I ſhall preſume for a moment, after having read to you the indictment, and given you that expoſition of it, which I humbly offer to your attention, that the law has (at leaſt, according to my judgment, it certainly has) been complied with in theſe reſpects, namely, the indictment has told you with ſufficient certainty what it is, that is meant to be imputed, as an overt act of compaſſing the King's death. It is not neceſſary to be diſputing that now, becauſe, if I have failed in the due execution of my duty in that reſpect, the priſoner cannot be injured by it.

Gentlemen, I have before ſaid to you that, in a caſe of high treaſon, the evidence muſt not only be convincing, but it muſt be formal; and, though the object of the ſecurity of the perſon and government of the King is the higheſt object that the law has looked to, yet I muſt, at the ſame time, inform you, that the law, for the ſecurity of the public, which is in truth part of the

the object involved in the *object* of the ſecurity of the *perſon* and government of *the* King—is eſſentially united with it—and inſeparable from it—the law has required not only that you ſhall have one witneſs, if he were the moſt credible man in the world, to give convincing evidence of the fact, but that that convincing evidence muſt be rendered yet more convincing by the teſtimony of two witneſſes; that you ſhould at leaſt have one witneſs to one overt act, and another to another overt act of the ſame ſpecies of treaſon.

Gentlemen, having ſtated to you the project, in a general way, to which I apprehend this indictment applies, I preſume that you may poſſibly reaſon thus: When this indictment charges that theſe perſons compaſſed the death of the King, and to depoſe him, that they conſpired to aſſemble a convention in defiance of the authority of parliament, to ſubvert the rule and government of the kingdom, againſt the will, and in defiance of the legiſlature, to dethrone the monarch, reigning in the hearts of a great majority of his people, you will naturally aſk, by what proceſs was it, that ſuch perſons, as theſe, could effectuate ſuch a purpoſe? When the indictment charges, that they compoſed a great variety of books, containing incitements to chooſe perſons, as delegates, to compoſe a convention for ſuch traitorous purpoſes, in what language, you will naturally aſk, could ſuch incitements, to ſuch a momentous project, have been conveyed, and to whom could that language have been addreſſed? When it charges, that they met, and deliberated among themſelves, together with divers other falſe traitors, at what time, in what manner, and in what place, it may be aſked, have theſe people met to deliberate upon that project, for the accompliſhment of which ſo many perſons muſt be engaged? By what means were they to bring together the ſubjects of the country, to ſend delegates to ſuch a traitorous convention, to aſſume ſuch ſovereign power? This ſort of queſtion may be purſued. I ſhall not purſue it by obſervations upon every overt act in this indictment.

Now, Gentlemen, my anſwer to this is a ſhort one. I think it will be proved to your ſatisfaction, that, as they meant, in the

the words of the act of parliament, to introduce that ſyſtem of miſery and anarchy, which prevailed in France, they meant to introduce it by the ſame means, to proceed upon the ſame principles to the ſame end, and by the ſame acts to execute the ſame purpoſes.

Gentlemen, if the experience of Europe had not manifeſted what has paſſed in France, (and this project might perhaps be brought from France into Great Britain by but an individual or two,) if that experience had not ſhewn us what has paſſed in France, to the deſtruction of its old government—to the deſtruction alike of that government, which they ſubſtituted in the room of its old government—and which, in the laſt act of its power, proteſted againſt the exiſtence of clubs, as not poſſible to exiſt together with the ſecurity of any Country, I ſay, till the ſubverſion of government in France took place, and upon principles, to a blind admiration of which in this Country,—(a country which, under the peculiar favour of Providence, is alike in its bleſſings, as it is in its ſituation, "*toto diviſos orbe Britannos*," but in which we have found a diſpoſition to ſacrifice all thoſe bleſſings) —it could not perhaps have entered into the heart of man—to conceive that a project, ſo extenſive ſhould have been ſet on foot by perſons in number ſo few—that a project, exiſting almoſt every where, ſhould yet be viſible no where—that a project ſhould be ſo deeply combined, and complicated, ſhould exiſt to ſuch an almoſt inconceivable extent, ſhould be formed with ſo much political craft—it could not enter into the heart of man to conceive, that it ſhould have exiſted in any country, much leſs, that it was poſſible that it ſhould exiſt in this country of Great Britain to the extent in which I am ſure, whatever your verdict may ſay upon the guilt of the priſoner, you will be ſatisfied it has exiſted in this country.

But the law of England does not require that any ſuch caſe, as this, ſhould be proved before you. If you are ſatisfied that what the indictment charges was imagined, and that a ſtep was taken to effectuate that intent, it is enough—it is not the extent, in which the project was proceeded upon—it is not the extent, to which the project was ruinous—it is not neceſſary to prove,

prove, that the means were as competent to the end propoſed, as they were thought to be, by thoſe who uſed them. No, Gentlemen, the providence of the law ſteps in upon their firſt motion, whether they furniſh themſelves with means adequate or inadequate to their purpoſes—the law ſteps in then, conceiving its providence at that moment to be neceſſary for the ſafety of the King and the ſecurity of the ſubject.

The project, the general character of which I ſhall give you, proving it by the particular facts, and applying the particular facts (for I have no right to give you the general project, unleſs I can ſo apply the particular facts) to the perſon now accuſed, ſeems to me to have been this. Imported from France in the latter end of the year 1791 or 1792, by whom brought hither it does not much matter, the intent was to conſtitute in London, with affiliated ſocieties in the country, clubs which were to govern this country upon the principles of the French government, the alledged unalienable, impreſcriptible rights of man, ſuch, as they are ſtated to be, inconſiſtent, in the very nature of them, with the being of a king, or of lords, in a government—depoſing therefore, the moment they come into execution, in the act of creating a ſovereign power, either mediately or immediately, the King, and introducing a Republican government with a right of eternal reform, and therefore, with a proſpect of eternal revolution.

Gentlemen, we have all heard of a club called the Jacobin Club at Paris. This, with its affiliated ſocieties, however impoſſible it was thought that it ſhould effect ſuch things, however wild the man would have been thought, into whoſe head ſuch an imagination could have entered as that it could effect them, firſt overſet the old conſtitution, then introduced another, which could not exiſt upon the principles which gave it birth, and has finally introduced government after government, till it has at laſt left the country in that undeſcribable ſtate of things, in which we now ſee it.

Gentlemen, the great end of the perſons concerned in this project, though not altogether viſible, or not much diſcloſed up-

on its firſt formation, was, when they had ſufficiently diffuſed their principles through this country, by artifice, by union, by combination, by affiliation, by fraternization (thoſe who formed the project, whoever they were, endeavouring to force it into execution by means which perhaps would ſhock the minds of men that are not always dwelling upon political ſubjects), to aſſemble a convention of delegates from clubs, to aſſume the power of the people, ſupported in the aſſumption and exerciſe of that power by the individual members of the affiliated ſocieties, and by their combined ſtrength.

Gentlemen, we have no occaſion in this cauſe to be diſputing upon abſtract queſtions, as to the power of the people to change their government. I ſtate to you that the intention was, to aſſemble a Convention of delegates from thoſe clubs, to aſſume the powers of government. The people, the infinite majority of the people, adverſe to any change, diſtinguiſhing between abuſes in the adminiſtration of the government, and vices in the form of the government adminiſtered, nay, ardently attached to the old government, muſt have been averſe to have been ſubdued by a Convention of delegates from theſe ſocieties, who meant to have aſſumed the repreſentation of the people, and to have exerciſed the powers which they ſtated to be inherent in thoſe whom they profeſſed to repreſent.

Gentlemen, it is not difficult to conceive, after what has happened in fact in France, how it ſhould happen that the opinion of theſe fraternizing ſocieties ſhould have the force of the will of a majority of the nation, though they conſtituted a vaſt and infinite minority indeed. You will find, in the evidence to be laid before you, that it was perfectly underſtood how this might be by thoſe who are named in this indictment. The great bulk of the community, engaged in different purſuits, are therefore incapable of being combined in oppoſition to the execution of a purpoſe, which is to be brought about by great bodies of men, that are combined. I need not give you a ſtronger inſtance of that than this. It is within the memory of moſt of us living, that a few thouſand men in St. George's-fields, combined in one purpoſe, reduced this metropolis to an abſolute ſtate of anarchy, a ſtate

a ſtate in which no government exiſted. If any man had been aſked, a fortnight before the event to which I am now alluding, is it poſſible for four or five thouſand men to aſſemble in St. George's-fields, and to rob and plunder every body they chooſe in London and ten miles round it? That would have been thought utterly impoſſible—but yet it happened—why? becauſe a combination of the few will ſubdue the many, who are not combined, and with great facility; and combined bodies of men have had, as you will find, an exiſtence in this country, to an extent which few men had any idea of.

You will find them organized, prepared for emergencies, and exigencies, relying upon their own ſtrength, determined to act upon their combined ſtrength, in a ſyſtem of acting together, in ſome inſtances acting with a ſecreſy calculated to elude obſervation—in other inſtances, proceeding, by directly contrary means, to the ſame end, repreſenting their numbers as greater than they were, and therefore increaſing their number by the very operation of the influence of the appearance of ſtrength upon the minds of others, without a poſſibility that that miſrepreſentation ſhould be ſet right. You will find them inflaming the ignorant, under pretence of enlightening them; debauching their principles towards their country, under pretence of infuſing political knowledge into them; addreſſing themſelves principally to thoſe whoſe rights, whoſe intereſts are, in the eye of the law and conſtitution of England, as valuable as thoſe of any men, but whoſe education does not enable them immediately to diſtinguiſh between political truth and the miſrepreſentations held out to them; working upon the paſſions of men, whom Providence hath placed in the lower, but uſeful, and highly reſpectable ſituations of life, to irritate them againſt all that its bounty hath bleſſed by aſſigning to them ſituations of rank and property; repreſenting them as their oppreſſors, as their enemies, as their plunderers, as thoſe, whom they ſhould not ſuffer to exiſt; and, in order at the ſame time to ſhut out the poſſibility of correcting original error, or rectifying the opinions of thoſe whom they had ſo inflamed, miſinformed, debauched, and miſled, not admitting them into theſe affiliated ſocieties till they had ſubſcribed teſts—the principles of which they were not to

examine after they had been admitted, but the principles of which they were to carry into execution, when aſſembled in a convention—to carry into execution thoſe principles, as acting for the people, by a great majority of whom they were held in utter deteſtation.

Gentlemen, to ſay that an act done was meant to be done, as a means taken in the execution of ſuch a project as this is, till the perſon, who takes it, thinks the ſcheme practicable, I admit is not reaſonable, but undoubtedly you may think it practicable long before it is really ſo. Now, you will be abundantly ſatisfied, that theſe conſpirators thought that the time was now come—that the time for a Convention, which had been the object of anxious expectation, doubting for a year or two whether it would ever be gratified, that that time was *now* come, and the meaſures taken were taken upon that ſuppoſition—that the time was now come, which, if not laid hold of now, would be loſt for ever.

Gentlemen, the people of this country have in general a rooted attachment to its government. The public opinion of government is in this country, as well as in every other, its principal ſupport: and therefore it became neceſſary to infuſe, where ſo much could be ſafely ſuggeſted, where the mind was prepared for it, an opinion that the form of the Britiſh government was radically vicious—that it was founded in principles of oppreſſion—that it was founded in the deſtruction of natural, impreſcriptible, and unalienable rights.—With others, you will find, they thought it neceſſary to uſe a little more caution—not to alarm them, but to humour their attachment to the form of the conſtitution; by taking advantage of well meaning ignorance, under pretence of inſtructing it, to enliſt them alſo alike in the project of deſtroying that conſtitution to which they were attached. To them, therefore, the form of the government was not ſpoken of in terms which they might underſtand to be a condemnation of it, though they were really ſuch, but by making uſe of general expreſſions, ſuch as obtaining "a "full and fair repreſentation of the people in parliament"—"a "full repreſentation of the people," ſometimes without mention of parliament—never with actual mention of the King and Lords,

Lords, as co-exiſting together with parliament—by uſing terms, which certainly may mean what it may be contended in the defence they did mean—but terms the ſame in their expreſſion, certainly the ſame in their import, as thoſe, which were uſed in every act which paſſed in this country during the time of the Commonwealth, when we neither had King nor Lords—that may ſignify a government exiſting without Lords or King, by declaring the obtaining ſuch a repreſentation of the people as neceſſary to the natural unalienable impreſcriptible rights of man, as ſtated by Mr. Paine; by theſe means and artifices they attempted to engage in their ſervice the phyſical ſtrength of men, who might not, and did not diſcover the real nature of the plan, which that ſtrength was to be employed in executing—who had not information enough to diſcover what the repreſentation was meant finally to do or to execute. But you will find the perſons mentioned in this indictment had no doubt about it.—I mark theſe circumſtances to you becauſe, in the evidence, that is to be laid before you, (and I am now ſtating the general character of the evidence, and not the principles upon which the charge is made)—in the evidence to be laid before you of the plan for the execution of theſe purpoſes, ſome very remarkable particulars occur; and when you come to decide upon this caſe, I humbly beg your attention to thoſe particulars; ſome very remarkable particulars will occur.

You will find that the leading clubs, by which I mean the Conſtitutional Society, judging of its conduct for the purpoſe of this cauſe, though in ſome other caſes we muſt go further back, but, for the purpoſe of this cauſe, judging of its conduct from about the beginning of the year 1792, and the London Correſponding Society, which was formed, whether created, I will not ſay, but which was modelled by ſome leading members of the Conſtitutional Society, and received its corporate exiſtence, if I may uſe the term, as it will be proved, under their own hand-writing—moſt diſtinctly from the hand-writing of ſome, who yet belong, and ſome, who have ceaſed to belong to the Conſtitutional Society; theſe leading ſocieties, you will find, enliſting into their affiliation many ſocieties in the country, compoſed of men who expreſſed their doubts as to the views of

theſe ſocieties in London—who expreſſed their fears as well as their doubts about thoſe views—who required information as to the purpoſes of thoſe ſocieties in London—ſome of theſe ſocieties in the country profeſſing one ſet of principles, ſome another; but all aſſiſtance is taken that is offered: accordingly you will ſee that the London ſocieties enliſt perſons who profeſs "that "they ought to ſubmit to no power but what they have them-"ſelves immediately conſtituted:"—to theſe they give anſwers couched in dark, cautious, prudent, but ſatisfactory and intelligible terms: thoſe, who profeſs ſtill to have attachments to the Monarchy of the country, and who expreſs apprehenſions about its ſafety from the principles of the London ſocieties, and the conflicting principles of various country ſocieties, they ſooth into fraternization, by telling them that all would be ſet right "by a full and fair repreſentation of the people in parliament;" a name which was given to the Commons under Cromwell, as well as to the legitimate parliaments of this country at different periods, without telling them either what theſe words meant, or how that parliament was to operate to reconcile theſe differences, which you will find amounted *only* to the differences between an attachment to an abſolute republic, and an attachment to a limited monarchy.

They enliſt alike thoſe, who expreſſed a wiſh to know whether they propoſed *to reform the Houſe of Commons*, and thoſe who wiſhed to know whether they intend to *rip up monarchy by the roots*; their anſwers were calculated to ſatisfy each of them, to ſatisfy whatever might be the diſpoſition of thoſe, who addreſs the queſtions to them, requiring information upon ſubjects ſo totally different.

Gentlemen, this is not all: You will find again that, for theſe purpoſes, publications upon the government of the country, which are alluded to in this indictment, and which will be given to you in evidence, that publications upon the government of the country were adopted by thoſe ſocieties as their own, and circulated, if I may ſo expreſs myſelf, in a maſs, round the country, circulated in a manner, that totally deſtroys the liberty of the preſs in this country—The liberty of the preſs

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in this country never ought to be under an undue correction of the law, but it muſt always be, for the ſake of the people, ſubject to the correction of the law: You will find that theſe publications are either brought into the world with ſuch a ſecreſy as baffles all proſecution, publiſhed without names of authors or of printers, publiſhed by contrivance, I am ſorry to ſay by contrivance publiſhed in the dead of night, (though they are the works of men who have talents to ſtate them to open day, if fit to be ſtated to open day,) and publiſhed in quantities, which make the application of the wholeſome proviſions of the law utterly incompetent to the purpoſe of allowing the correction of the law to be as frequent as the commiſſion of the offences againſt it has been.

Gentlemen, with reſpect to many of theſe publications I may take notice of what has happened in the hiſtory of this country, and though no man wiſhes leſs to talk of himſelf than I do, yet I am ſpeaking in the preſence of many, who have heard me both in court and in parliament reſpecting thoſe publications (to which I allude, and which will be offered to you in evidence) expreſs the difficulty that my mind laboured under to concede that ſuch a publication as the Addreſs to the Addreſſers, was not, according to law, an overt act of high treaſon.—It did appear to me that the publication of the book called the Addreſs to the Addreſſers was an overt act of high treaſon, for the purpoſe of depoſing the King; at leaſt I thought it required an ingenuity and ſubtlety, much beyond that which belonged to my mind, to ſtate ſatisfactory reaſons why it was not ſo, but there were reaſons ſatisfactory to thoſe who can judge better than I can, and therefore that book was treated only as a libel—but when I come to ſee it, as connected with this maſs of publications, which is alluded to in this indictment, as connected with meaſures that I have to ſtate to you in the courſe of opening this cauſe, and as connected with the project which this indictment imputes to depoſe the King, I ſay it is either moſt diſtinct evidence of an overt act of high treaſon, or it is an overt act of high treaſon itſelf.

Gentlemen, you will alſo not fail to obſerve (and I ſtate, that as a general feature and character of the evidence that I

have to lay before you)—the malignant art, and, if I may ſo expreſs myſelf, the induſtrious malignity, with which diſcontent has been ſpread by theſe two ſocieties in London, and the means of ſpreading it have been ſtudiouſly and anxiouſly taught from ſociety to ſociety :—the means of ſpreading ſedition, freſh as from London, in every town, all with reference (for they are not material, if you do not find they had ſuch a reference) to the final accompliſhment of the ſame purpoſe : You will not fail to obſerve, how the paſſions and intereſts of individuals have been aſſailed and taught to be aſſailed, according to their ſtations in life—not merely upon government, but for the purpoſe of ſubverting government—upon tythes—corn bills —taxes—game laws—impreſs ſervice—any thing that could be repreſented as a grievance, as well as the government itſelf, and to this intent—that, in aid and aſſiſtance of each other, ſocieties, as they expreſſed it, " might overſpread the whole " face of the iſland," and " that the iſland might become " free"—You will mark their expreſſions—" by the ſame " means, by which France became ſo."

Gentlemen, in ſtating to you the character of the evidence, it is neceſſary for me to make one obſervation, and it is the laſt I ſhall trouble you with : it is with reſpect to the principles upon which conſtruction is to be given to the written evidence that will be adduced in this cauſe. Now, I deſire to ſtate this to your minds as a principle perfectly reaſonable, in the adminiſtration of juſtice, towards men who are called upon to anſwer for offences, that the language, which they uſe, ought to be conſidered according to its obvious ſenſe. If the language admits, and naturally admits, of a double interpretation, it muſt then be conſidered according to the nature of the *principle*, which that language is calculated to carry into execution ; each paper muſt be conſidered with reference to the context of the ſame paper, and with reference to the contents of all other papers, that form the evidence of the ſame ſyſtem, which the paper produced is meant to prove.

Now, if you ſhould find that, in *detailing* the objects of this Society, in detailing what they meant to do, and in detailing how they meant to execute what they meant to do, they ſhould in fact

fact have ſtated that they meant neither that which was legal, nor that which was conſtitutional, nor that which was other than treaſon, it will be in vain that they have thought fit (for the greater prudence, the greater care, and the greater caution, which you will have moſt abundant evidence to prove they exerciſed occaſionally) to aſſert at other times, when they have uſed general language, that what they meant to effect was legal, and that they meant to effect it in a legal and conſtitutional manner. It will become them, who have the defence upon their hands, to ſtate to you how, in a legal and conſtitutional manner, thoſe things could be done, which were intended to be done, and which this indictment ſtates were intended to be done, if I prove to your ſatisfaction that they were intended to be done by the means and inſtruments, which the indictment refers to.

Gentlemen of the Jury, their principle, as you will find, was, that equal active citizenſhip is the right of all men, and that, upon this principle, their repreſentation of the people was to be aſked for. Now, it requires no reaſoning to ſtate, that a repreſentation of the people founded upon the principle of equal active citizenſhip of all men muſt form a parliament into which no King, nor Lords, could enter. There is an end of equal active citizenſhip the moment that either of them exiſts, according to my conſtruction of equal active citizenſhip, and according to *their conſtruction of it*; for they ſtate that the effect of it is *a repreſentative government*. But it is not enough for me to tell you that, in reaſoning, this is the conſequence; it is a circumſtance to be taken into your conſideration; but I ſay I ſhall ſatisfy you, if I am bound to go further, that the application of the principle of equal active citizenſhip, *according to them*, was to be the foundation of *a repreſentative government*, rejecting the King and Lords out of the ſyſtem. The principles were the principles upon which the conſtitution of France, in the year 1791, was formed: the principles of that conſtitution were the principles of equal active citizenſhip: they attempted indeed to preſerve a King in the conſtitution, and to form what I may call a royal democracy: but I ſhall prove to demonſtration, that the leaders of theſe clubs in London knew that that conſtitution could not exiſt, that their principles

principles led them to a diſtinct knowledge that that conſtitution could not exiſt: it was in the month of Auguſt 1792 entirely overturned; and you will find from the tranſactions of this Society in the months of October and November 1792, unleſs I miſtake the effect of the evidence, the cleareſt demonſtration that theſe ſocieties meant in applying thoſe principles, which they themſelves ſtate had deſtroyed the exiſtence of a King in France, (becauſe they muſt deſtroy the exiſtence of a King in any country) you will find that, from October 1792 at leaſt, theſe ſocieties meant to deſtroy the King in this country, and that this was the natural effect of their own principles, as they underſtood them.

Gentlemen, you will now give me leave to ſtate to you, as well as I can, and as intelligibly as I can, the maſs of evidence, and the caſe which I have to lay before you.

The particular act, the nature of which will be to be explained by all the reſt of the evidence, which has led to the including theſe particular perſons in one indictment, aroſe out of a letter, dated the 27th of March 1794, which was written by the priſoner, then the Secretary of the London Correſponding Society, to the Society for Conſtitutional Information. The words of it are theſe:

" I am directed by the London Correſponding Society to " tranſmit the following reſolutions to the Society for Conſtitu- " tional Information, and to requeſt the ſentiments of that So- " ciety reſpecting the important meaſures which the preſent " juncture of affairs ſeems to require. The London Corre- " ſponding Society conceives that the moment is arrived;" mark the words; for, in the reſt of what I have to ſtate, you will frequently hear of the time to which that alludes—" when a full " and explicit declaration is neceſſary from all the friends of free- " dom, whether the late illegal and unheard of proſecutions and " ſentences ſhall determine us to abandon our cauſe, or ſhall ex- " cite us to purſue a radical reform with an ardour proportionate " to the magnitude of the object, and with a zeal as diſtin- " guiſhed on our part as the treachery of others in the ſame " glorious

" glorious cauſe is notorious. The Society for Conſtitutional " Information is therefore required to determine whether or no " they will be ready, when called upon, to act in conjunction " with this and other ſocieties, to obtain a fair repreſentation of " the people." Gentlemen, give me your attention preſently to what they conceive to be a fair repreſentation of the people, when I come to ſtate the reſolutions which they tranſmit! " Whether they concur with us in ſeeing the neceſſity of a " ſpeedy *Convention* for the purpoſe of obtaining" (then they uſe the words) " in a conſtitutional and legal method"—of the effect of which you will judge preſently, for the method will not be the more conſtitutional and legal for their calling it ſo, if the method is in fact unconſtitutional and illegal—" a redreſs of " thoſe grievances under which we at preſent labour, and which " can only be effectually removed by a full and fair repreſenta- " tion of the people of Great Britain. The London Corre- " ſponding Society cannot but remind their friends that the pre- " ſent criſis demands all the prudence, unanimity, and vigour, " that ever may or can be exerted by men or Britons; nor do " they doubt but that manly firmneſs and conſiſtency will finally, " and they believe ſhortly, terminate in the full accompliſhment " of all their wiſhes."

They then reſolve, and theſe reſolutions are incloſed: " 1ſt, " That dear as juſtice and liberty are to Britons, yet the value " of them is comparatively ſmall without a dependancy on their " permanency, and there can be no ſecurity for the continuance " of any rights but in equal laws."

" 2d, That equal laws can never be expected but by a full " and fair repreſentation of the people; to obtain which, in the " way pointed out by the conſtitution"—you will ſee what that is in the third reſolution—" has been and is the ſole object of " this Society: for this we are ready to hazard every thing, and " never but with our lives will we relinquiſh an object which " involves the happineſs, or even the political exiſtence, of our- " ſelves and poſterity."

" 3d. That it is the decided opinion of this Society, that, to " ſecure ourſelves from the future illegal and ſcandalous proſe- " cutions,

" cutions, to prevent a repetition of wicked and unjuſt ſentences, " and to recal thoſe wiſe and wholeſome laws which have been " wreſted from us, and of which ſcarcely a veſtige remains"—Gentlemen, you will permit me to call your attention to what the objects were which were to be accompliſhed—" there ought " to be immediately"—what?—" *a Convention of the people by* " *delegates deputed for that purpoſe from the different ſocieties of the* " *friends of freedom.*" And what are the purpoſes which this convention, which they themſelves repreſent as a convention of the people, are to execute? Why they, the delegates, forming a convention of *the people*, are to recal thoſe wiſe, wholeſome laws, which they ſay have been wreſted from them. Before I have done, I ſhall prove diſtinctly that this is the meaning of the paſſage, and the meaning of the paſſage will be to be collected from the whole of the evidence undoubtedly, not from this particular part of it.

The Conſtitutional Society, there being preſent at that time ſix of the perſons mentioned in this indictment, without any deliberation whatever, upon a propoſition ſo material as this is—and therefore it muſt be left to you, upon the whole of the evidence, whether it is fairly to be inferred or not, that this, like a great many other papers of the London Correſponding Society, really came from the Conſtitutional Society—they immediately ordered that their Secretary ſhall acquaint the London Correſponding Society, that they had received their communication, that they heartily concur with them in the objects they have in view, and that for that view, and for the purpoſe of a more ſpeedy and effectual co-operation, they invite them to ſend to this Society, next Friday evening, a delegation of ſome of their members.

Without now going into the particulars of what followed upon this, give me leave to ſtate, that ſome members of the Society, included in this indictment, were named to compoſe that delegation; that there was named at the ſame time a Committee of Correſpondence of ſix members of this Society; that afterwards the London Correſponding Society formed another Committee; that the two Committees met; that the two Committees

mittees meeting, came to a determination that this project of calling a Convention of the people ſhould be carried into effect; and then, that a joint Committee of co-operation of both Societies was formed by reſolutions of both.

Having ſtated what happened upon the 27th of March 1794, and connecting it, as I ſhall do preſently, with the very ſingular facts, which you will find alſo happened in that year, you will give me leave, in order to ſhew what the true conſtruction of this act is, as well as to ſtate the grounds upon which the indictment, even without this act, charges a conſpiracy to depoſe the King —you will give me leave to ſtate the tranſactions of theſe Societies from the month of March 1792.

Gentlemen, in or about the month of March 1792,—whether before that time the London Correſponding Society had exiſted or not, ſeems to me to be dubious, and therefore I will make no aſſertion of that one way or other; but, ſuppoſing it to have exiſted, it will be made extremely clear that this Society exiſted at that time without a conſtitution, as they call it, and was indebted to a Gentleman of the name of Tooke for the conſtitution under which the Society was modified, and was indebted, I think, to a Gentleman of the name of Vaughan, for his aſſiſtance in the compoſition of the code of its laws.

The firſt correſpondence that I find between the Conſtitutional Society and the London Correſponding Society, which I have to ſtate to you, is in the communication of the principles of the Correſponding Society, ſent with a letter ſigned by the priſoner at the bar, which letter is in the following words; "I am "ordered by the Committee to ſend to the Society for Conſtitu- "tional Information in London a copy of our motives for aſſo- "ciating, and the reſolutions we have come to: we mean to "perſevere in the cauſe we have embarked in, that is, to have "(if poſſible) an equal repreſentation of the people of this nation "in parliament."

I obſerve here for a moment that you will not be ſurpriſed, when I get to the concluſion of this buſineſs, that this cautious language was uſed in the outſet: it will be for you to judge whether

whether a ſtudied caution is fairly imputable to the language. It proceeds thus: " We ſhould be exceedingly happy to enter into " a correſpondence with that Society, if it is not too much pre- " ſumption in us to expect ſuch an honour; but, as our cauſe " is one, we hope that they will deign to take ſome notice of " us, who are now entering upon a matter of ſuch vaſt im- " portance."

This is extremely condeſcending language on the part of Mr. Hardy to the Conſtitutional Society: it accompanies the reſolutions of that Society, which reſolutions purported to be ſigned " Thomas Hardy, Secretary." It happened, by an accident not very eaſy to be accounted for at preſent, and, notwithſtanding which, I ſhall prove diſtinctly to you that the reſolutions are the act of Mr. Hardy; that this ſignature—" Thomas " Hardy, Secretary"—is a ſignature, as I am inſtructed, in the hand-writing of Mr. Horne Tooke; that is, Mr. Hardy, in the London Correſponding Society, ſends the reſolutions of the London Correſponding Society (apologizing extremely for the liberty he takes in preſuming to ſend them) to the Conſtitutional Society, the ſignature to thoſe reſolutions bearing the name of Thomas Hardy in the hand-writing of Mr. Tooke: Whether thoſe reſolutions were finally ſettled by that Gentleman or not I do not know, but you will find that there exiſts a paper which contains, I think, diſtinct evidence upon the face of it, that thoſe reſolutions have been ſettled, with a good deal of deliberation, by the ſame Gentleman whoſe hand-writing occurs in the ſignature which I have been ſtating.

Gentlemen, before theſe reſolutions were ſent, and before I ſtate the matter of them to you, you will allow me to mention that there had been a correſpondence between other Societies and the Society for Conſtitutional Information, of ſuch a nature, as, in order to make this caſe intelligible, will require ſome obſervations from me, and ſome attention from you; it is the correſpondence of other Societies, but which correſpondence I ſhall connect in ſuch a manner with the London Correſponding Society, as in fact to make the acts of the other Societies the acts of that Society.

Upon

Upon the 23d of March 1792, with a view to ſhew you what were the principles of this Conſtitutional Society, I muſt ſtate that they come to a reſolution, " That the thanks of this So-
" ciety be given to Mr. Thomas Paine, for his moſt maſterly
" book entitled The Rights of Man, in which not only the ma-
" levolent ſophiſtries of hireling ſcribblers are detected, and ex-
" poſed to merited ridicule, but many of the moſt important and
" beneficial political truths are ſtated ſo irreſiſtibly convincing as
" to promiſe the acceleration of that not very diſtant period,
" when uſurping borough ſellers and profligate borough buyers
" ſhall be deprived of what they impudently dare to call their
" property—the choice of the repreſentatives of the people.
" The Conſtitutional Society cannot help expreſſing their ſatiſ-
" faction that ſo valuable a publication has proceeded from a
" member of that Society, and they ſincerely hope that the
" people of England will give that attention to the ſubjects diſ-
" cuſſed in Mr. Paine's Treatiſe, which their manifeſt import-
" ance ſo juſtly deſerve."

Then they reſolved, for what purpoſe you will judge of, when I come to ſtate to you the ſubſequent evidence in this buſineſs—
" That the foregoing reſolutions, and all future proceedings of
" this Society, be regularly tranſmitted by the Secretary to all
" our Correſponding Conſtitutional Societies in *England*, *Scot-*
" *land*, and *France*.

Now, Gentlemen, as I ſhall prove what the book was to which this reſolution alluded, I ſhall take the liberty at preſent to ſtate, in a few words to you, as far as they affect the exiſtence of a King in this country, thoſe ſubjects, which, according to the language of this reſolution, the Conſtitutional Society ſincerely hope that the people of England would give attention to, as diſcuſſed in Mr. Paine's firſt book. In that book theſe doctrines, with reſpect to Great Britain, are laid down: " A
" conſtitution is not a thing in name only, but in fact; it has
" not an ideal, but a real exiſtence;" and you will find this extremely important, becauſe in the reſult of the whole evidence that I have to lay before you, it will appear that they did not only diſtinctly diſavow making any application to parliament, but the competence of parliament to do any thing by way of re-

form, becauſe the country had as yet no conſtitution formed by the people. Mr. Paine proceeds: "Can Mr. Burke produce "the Engliſh conſtitution? If he cannot, we may fairly con- "clude that no ſuch thing as a conſtitution exiſts."

After ſtating that the Septennial Bill ſhewed that there was no ſuch thing as a conſtitution in England, the book ſtates a further fact, not immaterial, that the bill, which Mr. Pitt brought into parliament ſome years ago to reform parliament, was upon the ſame erroneous principle, that is, upon *the principle that parliament was able to reform itſelf.* With reſpect to other ſubjects, to which the attention of the people of England was called, you will find that this book, ſpeaking of modes of government, (and this is alſo extremely material with reference to the conſtruction of what is afterwards to be ſtated to you) repreſents that "the "two modes of government which prevail in the world are, "firſt, governments by election and repreſentation; ſecondly, "governments by hereditary ſucceſſion: the former is generally "known by the name of republican, the latter by that of mo- "narchy and ariſtocracy."

He divides Government into Government by election and repreſentation; a repreſentation founded upon election, and election founded upon univerſal ſuffrage; and Government by hereditary ſucceſſion. He then ſtates that, from the revolutions of America and France, and the ſymptoms that have appeared in other countries, it is evident the opinion of the world is changing with reſpect to government, and that revolutions are not within the progreſs of political calculation; and that the Britiſh government, not exiſting upon the principles he recommends, is not a government exiſting upon ſuch principles that a nation ought to ſubmit to it; and that the parliament of the country is not *able to form a government*, that will exiſt upon thoſe principles.

Gentlemen, it is a very remarkable circumſtance, as it ſtrikes me, that, though various Societies had exiſted in other parts of Great Britain, till about the time of the formation of the London Correſponding Society, none of theſe Societies had aſked or invited the affiliation with the London Conſtitutional Society, which you will find they all aſk and all invite about March 1792, whether

whether by management or not, I do not pretend to determine, it will be for you to judge; but they all aſk and all invite affiliation with the Conſtitutional and Correſponding Societies, as ſoon as the latter is formed.

Upon the 16th of March 1792, you will find a reſolution of the Society for Conſtitutional Information, which ſtates and returns thanks for a communication from Mancheſter, ſigned "Thomas Walker, Preſident," and "Samuel Jackſon, Secretary;" in which "they return the thanks of the Society to "Mr. Thomas Paine," (who appears to have been a member, a viſitor of this Conſtitutional Society) "for the publication of "his Second Part of the Rights of Man, combining *principle* and "*practice*." I ſhall endeavour to ſtate to you in a few words what is the combination of the practice, ſtated in the Second Part of the Rights of Man, with the principle in the Firſt Part, "a work (they ſay) of the higheſt importance to every nation "under heaven, but particularly to this, as containing excellent "and practicable plans for an immediate and conſiderable reduc-"tion of the public expenditure, for the prevention of wars, for "the extenſion of our manufactures and commerce, for the edu-"cation of the young, for the comfortable ſupport of the aged, "for the better maintenance of the poor of every deſcription, and, "finally, for leſſening, greatly, and without delay, the enormous "load of taxes, under which this country at preſent labours."

"That this Society congratulate their country at large on the "influence which Mr. Paine's publications appear to have had "in procuring the repeal of ſome oppreſſive taxes in the preſent "ſeſſion of parliament; and they hope that this adoption of a "ſmall part of Mr. Paine's ideas will be followed by the moſt "ſtrenuous exertions to accompliſh a complete reform in the "preſent inadequate ſtate of the repreſentation of the people, "and that the other great plans of public benefit, which Mr. "Paine has ſo powerfully recommended, will be ſpeedily carried "into effect."

Now, Gentlemen, as Mr. Paine's plan for the remedy of the preſent inadequate ſtate of the repreſentation of the people was alluded to, and this book was alluded to, which combined "prin-"ciple" and "practice," and as it is ſtated that the other great

plans of public benefit, which he had ſo powerfully recommended, would be ſpeedily carried into effect, it will be neceſſary to ſhew you, from this letter, what were thoſe plans for the remedy of the inadequate ſtate of the repreſentation of the people, and other plans of public benefit, which this Society, receiving the thanks of the Conſtitutional Society, hoped would be carried into effect.

Gentlemen, I do not take up your time in ſtating the paſſages to you, but repreſent to you the ſubſtance of that book; that it is a book diſtinctly and clearly recommending the depoſition of the King: if the paſſages in that book do not prove that aſſertion, there is no evidence that can prove any aſſertion: it is a book, moreover, which not only puts the King out of the ſyſtem of the Government of the country, but, according to which, if a perfect Repreſentation of the people is to be formed, it is to be formed not by a parliament exiſting in a country—in which that Gentleman ſtates that no conſtitution exiſts—not by that parliament, which he ſtates to be totally and abſolutely inadequate to the great work of forming the conſtitution upon the rights of man and equal active citizenſhip, which he recommends: it is a work, which calls upon the people of England to do themſelves juſtice in another way of proceeding, and to form a Conſtitution for themſelves before they can have any government, which is to exiſt upon true principles. There is then, I ſay, in the beginning of this thing, a developement of theſe purpoſes; and I ſay, beyond that, that if I underſtand the effect of evidence at all, I ſhall ſatisfy you that thoſe, who voted this reſolution of thanks, knew that the principles there referred to, were principles, that would have this operation, and meant that they ſhould have this effect.

The next thing I have to ſtate, which I ſhall not go through very particularly, is contained in a reſolution of the Conſtitutional Society (the members of which, ſome of them, I ſhall prove to you, began to leave the Society about this time, ſtating diſtinctly that they underſtood its principles to be now different from the principles it had formerly acted upon, and to be ſuch principles as I have ſtated) entered into upon the 23d of March 1792.

1792. They reſolved that another communication, which is from Sheffield, ſhould be publiſhed in the Morning Chronicle, and in ſeveral other newſpapers, which they mention.

With reſpect to the communication from Sheffield, (and it is a remarkable thing that, from Sheffield, and from Norwich, they ſhould be writing, on the ſame day, for the ſame purpoſe—that the Societies of Sheffield and Norwich might be affiliated with the London Conſtitutional Society, and the Sheffield people were ſo anxious about it, if it were their own act and deed, that they wrote more than one letter in order to aſk it) it is to this effect:

" It is now about four months ſince this Society firſt formed " itſelf into a regular body; they were then but very few in " number; the incloſed will inform you of their increaſe, and, " which is moſt probable, will ſoon become very numerous; " and not only this large and populous town, but the whole " neighbourhood for many miles round about have an attentive " eye upon us: moſt of the towns and villages indeed are forming " themſelves into ſimilar aſſociations, and ſtrictly adhere to the " mode of copying after us: you will eaſily conceive the neceſ- " ſity for the leading members of this body to pay ſtrict attention " to good order and regularity, and the need we have of conſulting " and communicating with thoſe, who are ſincere friends and able " advocates for the ſame cauſe; for theſe reaſons, we took the li- " berty to write to Mr. Horne Tooke, that worthy friend and pa- " triot for the rights of the people, informing him of our earneſt " deſire of entering into connection with the Society of the ſame " denomination of ours in London; his very obliging and affec- " tionate anſwer favours us with your addreſs; in conſequence, " we have taken the liberty herewith to tranſmit to you ſome re- " ſolves, which were paſſed at our laſt meetings by the whole " body, and the committee was charged with the diſpatch of " printing and forwarding them to you accordingly, for the " purpoſe of ſubmitting them to the conſideration of your So- " ciety, to make uſe of them as they think moſt prudent. You " will alſo notice the Belpar addreſs: they applied to us about " two months ago for inſtructions as to our mode of conducting, " &c. had not then formed themſelves into any regular aſſocia-

" tion. Belpar is nearly thirty miles from this place in Der-
" byſhire, and eight or ten miles from Derby.

" If the Society for Conſtitutional Information in London
" ſhould vouchſafe ſo far to notice us, as to enter into a con-
" nection and correſpondence with us, it cannot fail of promot-
" ing honour, and adding ſtrength to our feeble endeavours, and
" to the common cauſe, which is the entire motive we have in
" view."

They then, upon the 14th of March 1792, knowing that there was a connection between the London Conſtitutional and London Correſponding Society (and that they ſhould know that fact on the 14th of March, which is ſixteen days before the 30th, when Mr. Hardy ſent to Mr. Tooke the reſolutions which were ſigned in the name of Mr. Hardy by Mr. Tooke, as a communication to him that there was ſuch a body as the London Correſponding Society, is a circumſtance that affords obſervation); they then add, that " we have taken the liberty of encloſing a
" parcel for Mr. Hardy, in anſwer to a letter from him to this
" Society, requeſting ſome information concerning our method
" of conducting the buſineſs we are embarked in, &c. alſo in-
" forming us there are in London a number of mechanics, ſhop-
" keepers, &c. forming themſelves into a Society on *the broad*
" *baſis of the rights of man.* You will be ſo obliging as to let
" the packet remain with you until he call for it, as by this poſt
" I have wrote him thereof. We have given him our manner
" of proceeding from our ſetting out to this time, and hope it
" may be of ſome uſe. The improvement we are about to
" adopt is certainly the beſt for managing large bodies, as, in
" great and populous towns, viz. dividing them into ſmall bodies
" or meetings of ten perſons each, and theſe ten to appoint a
" delegate; ten of theſe delegates form another meeting, and ſo
" on, delegating from one to another, till at laſt they are re-
" duced to a proper number for conſtituting the Committee or
" Grand Council."

There is another letter of the ſame date, which has a remarkable circumſtance about it. It is addreſſed to the Conſtitutional Society. Gentlemen, it ſtates that " this Society (that is, the

ſame

ſame Sheffield ſociety) " feeling, as they do, the grievous ef-
" fects of the preſent ſtate defects and abuſe of our *country*,"—
(the word originally in this letter was *conſtitution*, but the word conſtitution, not being that which was liked, by ſome very odd accident in the letter from Sheffield, the word *country*, in the hand-writing of Mr. Tooke, is ſubſtituted for *conſtitution*)—
" the great and heavy oppreſſions, which the common people
" labour under, as the natural conſequence of that corruption,
" and at the time being ſenſible to a degree of certainty, that
" the public minds and the general ſentiments of the people are
" determined to obtain a radical reform of the country," you will mark theſe words, " as ſoon as prudence and diſcretion will
" permit, believes it their duty to make uſe of every prudent
" means, as far as their abilities can be extended, to obtain ſo
" ſalutary and deſirable an object, as a thorough reformation of
" our country," the word *country* being in the hand-writing again of Mr. Tooke, " eſtabliſhed upon that ſyſtem, which is
" conſiſtent with the rights of man"—for theſe reaſons they ſtate their forming into clubs, as the former letter did, and they conclude thus—" that being thus ſtrengthened, this ſociety may
" be better enabled to govern itſelf with more propriety, and to
" render aſſiſtance to their fellow-citizens in this neighbourhood,
" and in parts more remote, that they in their turn may extend
" uſeful knowledge ſtill further from town to village, and from
" village to town, until the whole nation be ſufficiently en-
" lightened and united in the ſame cauſe, which cannot fail of
" being the caſe, wherever the moſt excellent works of Mr.
" Thomas Paine find reſidence."

Thoſe works are the works which have held an hereditary monarchy, however limited, to be inconſiſtent with the rights of man; which have held the conſtitution of parliament in this country to be inconſiſtent with the rights of man; and thoſe works, upon the principles of that inconſiſtency, have held even the parliament itſelf incompetent to reform any abuſes in government.

The paper they tranſmit ſtates as a fact, that the number of members at Sheffield were in March 1792, two thouſand. That the Conſtitutional Society in London and the Conſtitutional

Society at Sheffield, thus numerous, ſhould have had no connection by affiliation till the 14th of March 1792, though, on that 14th of March 1792, it appears that the Sheffield Society had had correſpondence, and had become connected with the London Correſponding Society, prior to the London Correſponding Society ſending the paper I before ſtated to the Conſtitutional Society, is ſomewhat remarkable.

The paper proceeds thus: "This ſociety, compoſed chiefly "of the manufacturers of Sheffield, began about *four months* "*age*, and is already increaſed to nearly two thouſand members." In this letter, dated March 14, 1792, they ſtate it to have amounted to two thouſand, excluſive of neighbouring towns and villages, who were forming themſelves into ſimilar ſocieties. They then ſtate the principles upon which the ſocieties are formed, and that "they have derived more true know-"ledge from the two works of Mr. Thomas Paine, entitled "Rights of Man, part the firſt and ſecond, than from any "author on the ſubject. The practice as well as the principle "of government is laid down in thoſe works, in a manner ſo "clear and irreſiſtibly convincing, that this ſociety do hereby "reſolve to give their thanks to Mr. Paine for his two ſaid "publications entitled Rights of Man."

Gentlemen, I beg your pardon for addreſſing you ſo much at length on this caſe, but I feel it my bounden duty to the public, to you, and to the priſoner at the bar, to warn you fully of the whole of it. There is nothing which, I am ſure, would more certainly happen than that I ſhould go, not only out of this court, but to my grave, with pain, if I ſhould have ſtated to you in a proceeding of this nature the doctrines of Mr. Paine, otherwiſe than as I think of them. If that is meant to be intimated, that we may have no diſpute about them, and that we may not miſunderſtand what is that principle, and that practice, to which the paſſage I have now read, alludes, you will allow me to read a few paſſages out of this ſecond part of the Rights of Man, ſaid to contain both the principle and practice of government, and then I aſk you what thoſe muſt have intended, with reſpect to the government of this country, who meant to take

any ſtep in order to make a change in it, in ſuch a way as the principle and practice laid down in that book would require them to make it, recollecting that the government of this country is a government conſiſting in a King, having an hereditary crown, together with lords and commons, forming a parliament according to the laws and conſtitution of England.

Now, that author, in the firſt place, expreſſes a great deal of what poſſibly may be differently thought of by other perſons, but what I cannot call good will to the people of England—for he ſays, "that during the time of the American war, he was "ſtrongly impreſſed with the idea, that if he could get over to "England without being known, and only remain in ſafety till "he could get out a publication, that he could open the eyes "of the country with reſpect to the madneſs and ſtupidity of "its government."

Let us ſee in what that madneſs conſiſted according to him: having ſtated in his former book that a government ought to exiſt in no country, but according to the principles of the Rights of Man—he repeats again the diſtinction he had ſtated in his former book, between what he calls the two ſyſtems: he ſays, "that the one now called the old is hereditary, either in whole "or in part," which is that of England; "and the new is en-"tirely repreſentative,"—that is a government conſiſting of a commons houſe, if you chooſe ſo to call it.—We know, that in 1649 the ruling government in this country was called a parliament, called a commons houſe, and it was then enacted, that if any perſons ſhould attempt to put a King into this country, they ſhould be deemed traitors, with much leſs of an overt act manifeſted, than is neceſſary at this day. Again it is ſtated, "an "heritable crown, or an heritable throne, or by whatever "fanciful name ſuch things may be called, have no other ſigni-"ficant explanation than that mankind are heritable property. "To inherit a government, is to inherit the people, as if they "were flocks and herds."

"Hereditary ſucceſſion is a burleſque upon monarchy. It "puts it in the moſt ridiculous light by preſenting it as an office, "which any child or idiot may fill. It requires ſome talents to

" be a common mechanic, but to be a King requires only the " animal figure of man, a ſort of breathing automaton. This " ſort of ſuperſtition may laſt a few years more, but it cannot " long reſiſt the awakened reaſon and intereſt of man;" then, " in whatever manner the ſeparate parts of a conſtitution may " be arranged, there is one general principle, that diſtinguiſhes " freedom from ſlavery, which is, that all hereditary govern- " ment over a people is to them a ſpecies of ſlavery, and repre- " ſentative government is freedom;" then, ſpeaking of the crown of England, that crown, in which, according to the law and conſtitution of this country, according to its principle and practice, is veſted the ſovereignty in the manner in which I have ſtated it, he ſays, " having thus glanced at ſome of the defects " of the two houſes of parliament, I proceed to what is called " the crown, upon which I ſhall be very conciſe."

" It ſignifies a nominal office of a million ſterling a year."— Again, Gentlemen, give me leave to obſerve that this, which has been ſo often detailed for the worſt of purpoſes, cannot but be known to thoſe who know any thing of the conſtitution of the country—(I charge nobody elſe—thoſe, who know any thing of the conſtitution—I charge not thoſe who do not know it)—to be in ſubſtance a groſs miſrepreſentation—" the buſineſs of which conſiſts in receiving the money. " Whether the perſon be wiſe or fooliſh, ſane or inſane, a na- " tive or a foreigner, matters not. Every miniſter acts upon " the ſame idea that Mr. Burke writes, namely, that the people " muſt be hoodwinked, and held in ſuperſtitious ignorance by " ſome bugbear or other; and what is called the crown anſwers " this purpoſe, and therefore it anſwers all the purpoſes to be " expected from it."

Gentlemen, in another part of this work, you will find that Mr. Paine was very well aware of what theſe Sheffield correſpondents were aware of, if they were the compoſers of the letter to which I have alluded; that the principles, laid down in the conſtitution of France, which theſe two books were to recommend, and the principles, ſtated in Paine's firſt book, were abſolutely inconſiſtent with the conſtitution itſelf of France, as it exiſted

exiſted at that moment; and Paine prophetically (he would not have had common ſenſe if he had ſtated it otherwiſe), even in the beginning of 1792, when he publiſhes this book, foretels that the government of France with a King a part of it, upon his principles, and the principles profeſſed by the conſtitution of France, could not exiſt: he foreſaw that in Auguſt 1792, and I will prove, that thoſe perſons, who were thus approving the principles and practice of Paine, knew that a King could not exiſt conſiſtently with thoſe principles; and they adopted them therefore, as we inſiſt, in order that a King ſhould not exiſt in this country. *

Gentlemen, theſe reſolutions, being received perhaps from Sheffield, a ſtep is taken upon them in the Conſtitutional Society, and a ſtep, which gives an authenticity to the book I have in my hand, namely, the book of their proceedings, which is remarkable enough, for in this ſociety's book there are theſe reſolutions, which are ſuppoſed to be received from Sheffield, wafered to the book, and then with a view of a publication of them, you will fix your view to a publication of them, in the Morning Chronicle, World, Poſt, Times, Argus, Engliſh Chronicle, and General Evening Poſt, for the purpoſe of circulating the principles of Mr. Thomas Paine, and for the purpoſe of circulating the repreſentation, which is made in theſe reſolutions. There is firſt of all in Mr. Tooke's hand-writing,—"*Society for Conſtitutional Information, London, March 23d,* "1792. *This ſociety having received the following and other* "*communications from Sheffield, viz.*"—his hand-writing—then, "*March* 14th, 1792,"—his hand-writing—then the words "*two thouſand members,*" ſcored under, I cannot ſay by him, but by ſomebody, I ſuppoſe for the purpoſe of being printed in italics; and there is at the concluſion of this minute in the hand-writing of Mr. Tooke,

"*That the ſecretary do return the thanks of this ſociety to the* "*ſociety for Conſtitutional Information eſtabliſhed at Sheffield, and* "*that he expreſs to them with what friendſhip and affection this* "*ſociety embraces them, as brothers and fellow labourers in the ſame* "*cauſe*;"—of principle and practice I ſuppoſe. "*That he do aſ-*"*ſure them of our entire concurrence with their opinion, viz. that*

"*the*

" *the people of this country are not, as Mr. Burke terms them,* " *ſwine*;"—the writer of this muſt have known very well the ſenſe in which an improper word, I readily admit, was uſed by the perſon to whom he now alludes,—" *but rational beings, better* " *qualified to ſeparate truth from error than himſelf, poſſeſſing more* " *honeſty, and leſs craft.*"

" *Reſolved, that this ſociety will on Friday next, March 31ſt,* " *ballot for the twelve aſſociated members recommended by the* " *Sheffield committee, and approved at this meeting.*"—Then this paper is thus ordered to be publiſhed for the primary purpoſe, I ſubmit, of recommending that principle and practice, which makes the Sheffield people " fellow labourers" with the Conſtitutional Society in the ſame cauſe of principle and practice, and which both, in the principle and practice, was aimed at the deſtruction of the government of the country; of that hereditary monarchy, which Paine repreſents as tyranny; of that limited monarchy, which he repreſents as tyranny; and for the purpoſe of recommending that *repreſentative government*, which, I ſay, is the true ſenſe of all the words which theſe people uſe: but this is not all—you will obſerve, that this paper of reſolutions was accompanied by a letter, in which letter there is alſo the handwriting of Mr. Tooke, and that the paper ſtates that two thouſand members belong to the ſociety at Sheffield, and that this number is to be ſtated by publication, as the number of perſons belonging to the ſociety at Sheffield. In another publication they are ſtated to amount to two thouſand four hundred—in November 1793, it is ſtated, that they were many thouſands: now you will ſee from the witneſſes, ſome of theſe correſpondents, theſe able men, who are ſo little corrupt, in the courſe of examination—you will ſee, unleſs I am miſtaken in the effect of the evidence I have to offer, the truth of an obſervation that I made, that mankind were to be miſled, and ſocieties were to be invited to be created, by the miſrepreſentation of numbers, and by giving to exiſting ſocieties a colour in that reſpect, which did not belong to them; for to this hour, after all the pains which has been taken with the Sheffield people (and what pains you will hear), thoſe perſons, who were two thouſand, have not yet arrived to but about ſix hundred.

Gentlemen, this Society, having in this letter expreſſed an inclination that they ſhould have ſome aſſociated members in the Conſtitutional Society, that affiliation begins in the Conſtitutional Society in London, which I have alluded to, and accordingly you will find, that upon the 31ſt of March, twelve perſons were ballotted for as from the Sheffield Society, and became aſſociated members of this ſociety; you obſerve, that this letter had ſtated from Sheffield that they had received before a communication from Mr. Tooke, and Mr. Tooke afterwards writes a draught of a letter which is ſent to them, in which he ſtates, "I am directed by the Society for Conſtitutional Information "to acknowledge the receipt of your letter, and to expreſs to "you that very great pleaſure and ſatisfaction which they re- "ceived from your communication; the ſociety have unani- "mouſly elected twelve" (here follow the names of the perſons,) "as aſſociated members of this ſociety."—Theſe perſons being certainly, Gentlemen, extremely reſpectable men as ſubjects of Great Britain, but, at the ſame time, men, that, one wonders a little, ſhould, upon ſuch a purpoſe as this, without a little more inſtruction being infuſed into their minds, have been aſſociated as members into this ſociety—"and we flatter ourſelves, that "when any buſineſs or other occaſion ſhall lead any of thoſe "gentlemen to London, they will be kind enough to honour "the ſociety by their preſence, and give us an opportunity of "cementing that friendſhip between us, which all the zealous "friends of public freedom and the happineſs of mankind ought "to feel and exerciſe towards each other.

"P. S. I am deſired by Mr. Horne Tooke, to requeſt each "of the aſſociated members to honour him by the acceptance "of the books which accompany this letter;"—which were, I apprehend it appears, ſo many parts of the Rights of Man.

Gentlemen, upon the 24th of March, 1792, a paper appears to have been ſent to the Conſtitutional Society from a neſt of ſocieties, the United Conſtitutional Societies at Norwich: this was the 24th of March, 1792, and it appears, as I am inſtructed, that the words "24th *March*, 1792," are alſo in the hand-writing of Mr. Tooke.

"At

" At a meeting of the delegates of the United Conſtitutional " Societies, held the 24th March 1792, at the Wheel of For- " tune, St. Edmund's, in the city of Norwich, it was unani- " mouſly agreed to communicate to the gentlemen of the " London Society for Conſtitutional Information, the following " reſolutions:

" 1ſt. We are happy to ſee the ſucceſs of the Sheffield Society " for Conſtitutional Reform, and approve of the delegations, " which you and they have made in order to form a plan of " general information. We humbly beg that you would grant to " us the ſame favour; and it is our wiſh, that all the ſocieties " of a ſimilar kind in England were only as ſo many members " ſtrongly and indiſſolubly united in one political body.

" 2dly. We believe that inſtructing the people in political " knowledge, and in their natural and inherent rights as men, " is the only effectual way to obtain the grand object of reform, " for men need only be made acquainted with the abuſes of " government, and they will readily join in every lawful means " to obtain redreſs; we have the pleaſure to inform you that our " ſocieties conſiſt of ſome hundreds, and new ſocieties are fre- " quently forming, which, by delegates, preſerve a mutual in- " tercourſe with each other, for mutual inſtruction and infor- " mation; and the greateſt care has been taken to preſerve order " and regularity at our meetings, to convince the world that " riot and diſorder are no parts of our political creed.

" 3dly. We believe, and are firmly perſuaded," (and if any man thought ſo he had a right to ſay ſo if he pleaſed,) " that " Mr. Burke, the once friend of liberty, has traduced the greateſt " and moſt glorious revolution ever recorded in the annals of " hiſtory; we thank Mr. Burke for the political diſcuſſion pro- " voked, and by which he has opened unto us the dawn of a " glorious day.

" 4thly. To Mr. Thomas Paine our thanks are eſpecially " due for the firſt and ſecond parts of the Rights of Man, and " we ſincerely wiſh that he may live to ſee his labours"—that is the deſtruction of hereditary government and limited monarchy, and conſequently the government of England—" crowned " with

" with ſucceſs in the general diffuſion of liberty and happineſs " among mankind."

Gentlemen, this letter does not appear (though the words, the 24th of March, are in the hand-writing of Mr. Tooke) to have been read in the Conſtitutional Society till the 14th of May, 1792, when they read this letter, and alſo another, which I will now ſtate to you, from the ſociety called the Norwich Revolution Society.

" The Norwich Revolution Society wiſhes to open a com- " munication with you at this time, when corruption has ac- " quired a publicity in the ſenate, which exacts from the " honour of the Britiſh nation renewed exertions for parliamen- " tary reform—without prejudging the probable event"—(this is a material paſſage, when you connect it with what is found in other ſubſequent papers)—" even of ſuch an application to the " legiſlature, the ſociety is willing to circulate the information, " and to co-operate in the meaſures, that may ſeem beſt adapted " to further ſo deſirable and ſo important an end; it is willing " to hope the redreſs of every exiſting grievance at the hands " of a government reſulting from an extraordinary convocation " in 1688—an extraordinary convention of all, who had at " any preceding time been elected repreſentatives of the people, " aſſiſted by the hereditary counſellors of the nation, and a " peculiar deputation from the metropolis; which national con- " ſtituting aſſembly caſhiered for miſconduct a King of the " Houſe of Stuart."

The opinions and principles of this ſociety are beſt explained by an appeal to their literary repreſentative—" To " James Mackintoſh, author of the Vindiciæ Galicæ, the ſo- " ciety offers the tribute of its approbation and gratitude for the " knowledge, the eloquence, and philoſophical ſpirit, with which " he has explained, defended, and commented on the Revolu- " tion of France; it heſitates to aſſent to this only of his " opinions—that there are but two intereſts in ſociety, thoſe of " the rich, and thoſe of the poor—if ſo, what chance have the " latter? Surely the intereſts of all the induſtrious, from the " richeſt merchant to the pooreſt mechanic, are, in every com- " munity, the ſame to leſſen the numbers of the unproductive,

" to

" to whoſe maintenance they contribute, and to do away ſuch " inſtitutions and impoſts as abridge the means of maintenance " by reſiſting the demand for labour, or by ſharing in reward, " as the means moſt conducive to this comprehenſive end, the " Norwich Revolution Society deſires an equitable repreſenta- " tion of the people.

" The Rights of Man by Thomas Paine, and the Advice to " the Privileged Orders by Joel Barlow," a book which I ſhall give in evidence, and therefore ſhall ſtate ſome paſſages from preſently, " have alſo been read with attention and circulated " with avidity."—Now Barlow's book you will find is, in the plaineſt and moſt unequivocal language, as I underſtand it, an exhortation to all people to get rid of kingly government, and addreſſed more particularly to the two ſocieties I have mentioned, as containing the ſubſtance of the buſineſs, in which they are intereſted, as you will ſee when I come to ſtate the tranſactions of October 1792.

" The Rights of Man by Thomas Paine, and the Addreſs to " the Privileged Orders by Joel Barlow, have alſo been read " with attention and circulated with avidity; they point out " with clearneſs moſt of the abuſes which have accumulated " under the Britiſh government; they attack with energy moſt " of the prejudices which have tended to perpetuate them."

Now, how any man living could thank theſe people without informing them that, if they really meant well to their country, they muſt be ignorant in the extreme, or ſomething worſe, if they could reconcile either the Rights of Man or Joel Barlow's book on the privileged orders with the principles of that Convention in 1688, which is the foundation of the liberties of this country, is to me quite inexplicable. But, after ſtating the conſtitution of this country, in a letter fabricated with great art, there follow the twelve names of the intended aſſociated members from Norwich, and the deſcription of ſome of theſe twelve happens alſo, from a ſingular circumſtance, to be in the hand-writing of Mr. Tooke. Then this ſociety returns thanks to the ſocieties at Sheffield and Norwich for theſe communications.

The

The reſolutions of the London Correſponding Society, which I told you were ſent on the 30th of March, are to this effect.

" Reſolved, That every individual has a right to ſhare in the " government of that ſociety of which he is a member, unleſs " incapacitated."

" Reſolved, That nothing but non-age, or privation of rea- " ſon, or an offence againſt the general rules of ſociety, can in- " capacitate him."

" Reſolved, That it is not leſs the right, than the duty of " every citizen, to keep a watchful eye on the government of " this country, that the laws, by being multiplied, do not dege- " nerate into oppreſſion, and that thoſe who are intruſted with " the government do not ſubſtitute private intereſt for public " advantage."

" Reſolved, That the people of Great Britain are not pro- " perly repreſented in parliament."

" Reſolved, that in conſequence of a partial, unequal, and " inadequate repreſentation, together with the corrupt method " in which repreſentatives are elected, oppreſſive taxes, unjuſt " laws, reſtrictions of liberty, and waſting of the public money, " have enſued."

" Reſolved, That the only remedy to thoſe evils is a fair and " impartial repreſentation of the people in parliament."

" Reſolved, That a fair and impartial repreſentation can " never take place until partial privileges are aboliſhed, and the " ſtrong temptations held out to electors afford a preſumptive " proof, that the repreſentatives of this country ſeldom procure " a ſeat in parliament from the unbought ſuffrages of a free " people."

" Reſolved, That this ſociety do expreſs their abhorrence of " tumult and violence, and that as they aim at reform, not " anarchy, reaſon, firmneſs, and unanimity, be the only arms " they employ, or perſuade their fellow citizens to exert againſt " abuſe of power."

Gentlemen,

Gentlemen, in this, which I have now read to you, I am willing, if you pleaſe, that you ſhould conſtrue every word of it, though certainly it is not conſiſtent with the principles of Britiſh government, upon this principle, that thoſe, who ſent that paper to the Conſtitutional Society, if it even was ſent there at all, really underſtood it to be conſiſtent with the principles of the Britiſh government, and I claim no credit for the veracity with which I aſſert, that this conſpiracy has exiſted, unleſs I ſhew you by ſubſequent acts of this ſociety, that, at this moment, they meant what Mr. Paine ſays, in principle, and practice, is the only rational thing—a *repreſentative government*; the direct contrary of the government, which is eſtabliſhed here.

You will find, by what I ſhall lay before you, that there was a ſociety in Southwark—To this ſociety the London Correſponding Society, in a letter which I have to read to you preſently, ſtated their adoption of all Mr. Paine's *principles*, with a view, as I think, to the *practice* recommended in his works; this ſociety alſo received the thanks of the Conſtitutional Society for a communication which I am about to ſtate to you; and the London Correſponding Society afterwards entered, as it ſeems to me, into a combination with them, upon the principles ſtated in that communication: I ſay it is impoſſible, attending to theſe facts, for any man who reaſons fairly, to doubt that the principles of the London Correſponding Society and of the Conſtitutional Society was to form a *repreſentative government* in this country.

A declaration from a ſociety in Southwark was read:—
"Reſolved, That the thanks of this ſociety be given to the "Southwark Society for the following communication, and "that it be publiſhed in the newſpapers:"

"April 19, 1792, at the Three Tuns Tavern, Southwark—
"Reſolved, That we do now form ourſelves into a ſociety for "the diffuſion of political knowledge."

"Reſolved, That the ſociety be denominated the Friends of the People."

"Reſolved,

" Reſolved, that the following be the declaration of this " ſociety"—which is the preamble to the conſtitution in France, in the year 1791.

" Conſidering that ignorance, forgetfulneſs, or contempt of " the rights of men, are the ſole cauſes of public grievances, " and the corruption of government, this ſociety, formed for " the purpoſe of inveſtigating and aſſerting thoſe rights, and of " uniting our efforts with others of our fellow-citizens for " correcting national abuſes, and reſtraining unneceſſary and " exorbitant taxation, do hereby declare—

" Firſt, That the great end of civil ſociety is general hap- " pineſs.

" Secondly, That no form of government is good, any further " than it ſecures that object.

" Thirdly, That all civil and political authority is derived " from the people"—that people, of whom they were afterwards to form a convention.

" Fourthly, That equal active citizenſhip is the unalienable " right of all men, minors, criminals, and inſane perſons, ex- " cepted."

Now will my friend diſpute with me what theſe principles, according to the ideas of thoſe, who ſtate them, lead to?

" Fifthly, That the exerciſe of that right, in appointing an " *adequate repreſentative government*"—That is the government, which Mr. Paine tells you, rejects every thing that is hereditary —is what?—" the wiſeſt device of human policy"—not only that, but it is—" the only ſecurity of national freedom."—Then, is not that a direct aſſertion, that the Britiſh government exiſts upon principles not reconcileable with the principles of a government that can have any ſecurity, or ſuch a ſecurity as it ought to have for general freedom?

The Society for Conſtitutional Information return their thanks upon that alſo, and then thoſe perſons who write this letter ſay farther in the ſame paper—

" We call upon our fellow-citizens, of all deſcriptions, to " inſtitute ſocieties for the ſame great purpoſe"—that is, the

purpoſe of introducing repreſentative government—" and we " recommend a general correſpondence with each other"—but attached and riveted to the Conſtitutional Society—" and with " the Society for Conſtitutional Information in London, as the " beſt means of cementing the common union, and of direct- " ing with greater energy our united efforts to the ſame com- " mon objects."

What were the objects of this ſociety? You will find that the objects of this ſociety were the objects of the Conſtitutional Society; and you will find preſently, that they were the objects of the Correſponding Society:—The Conſtitutional Society reſolved, " that every ſociety, deſiring an union, or correſpond- " ence with this, and which doth not profeſs any principles " deſtructive to truth or juſtice"—now this gives occaſion for the firſt remark I have to make upon language—" or ſubverſive " to the liberties of our country; but which, on the contrary, " ſeeks, as we do, the removal of corruption from the legiſla- " ture and abuſes from the government, ought to be, and we " hope will be embraced with the moſt brotherly affection and " patriotic friendſhip by this ſociety."

I obſerve upon this, that all this handſome language is perfectly conſiſtent with this principle, in the minds of thoſe who write it, and they do not venture to explain it, becauſe I think they durſt not explain it—with this idea in their minds, that thoſe principles were deſtructive of truth and juſtice, were ſubverſive to the liberties of the country, which were principles in oppoſition to thoſe of Mr. Paine; and that all practice, that was in oppoſition to the practice he recommends, was ſubverſive to the liberties of the country.

I come now to a circumſtance or two, which lead me to ſtate ſhortly what will be proved to be the original conſtitution of the London Correſponding Society—the plan, (the efficacy of which had been tried in France, and which men, who came from that country, were probably well acquainted with)—was, to unite, firſt, ſmall bodies of men—as ſoon as they came to a greater number, to divide them into ſmaller parties, and ſo to ſpread themſelves by degrees, (as you will find in the letters, was the purpoſe of theſe ſocieties) from town to town, from vil-

lage to village, from hamlet to hamlet, till, as they explain it, there ſhould not be an unenlightened man in the country.

The Conſtitution of the London Correſponding Society was formed upon this principle; it will appear from the written evidence which will be produced to you, that a Gentleman of the name, I think, of Felix Vaughan, was appointed a delegate upon the 30th of April for No. 63; that Mr. Hardy conſulted him; and, being alſo appointed to form a conſtitutional code of laws for the London Correſponding Society, Mr. Hardy conſulted him upon that ſubject. The preamble to the reſolutions which formed their conſtitution was this, "Whereas it is notorious that very numerous burdenſome and unneceſſary taxes are laid on the perſons and families of us and others the induſtrious inhabitants of Great Britain, an exceedingly great majority of whom are, notwithſtanding, excluded from all repreſentation in Parliament; and as, upon inquiry into the cauſe of this grievance, which is at once an obſtruction to our induſtry, and a diminution of our property, we find that the conſtitution of our country, which was purchaſed for us at the expence of the lives of our anceſtors, has, by the violence and intrigue of criminal and deſigning men, been injured and undermined in its moſt eſſential and important parts, but particularly in the Houſe of Commons, where the whole of the ſuppoſed repreſentation of the people is neither more nor leſs than an uſurped power." (I hope, Gentlemen, it cannot be required that I ſhould contend againſt ſuch an aſſertion in this place; if a court of law in this country has not loſt all the character that belongs to law, and how that uſurped power was ever to be employed as an organ in the conſtitution of that new repreſentative body that this Society aimed at, conſiſtent with their own principles, remains to this moment unintelligible to me)—"ariſing either from abuſes in the mode of election and duration of Parliaments, or from a corrupt property in certain decayed corporations, by means of which the liberties of this nation are baſely bartered away from the bribed profit of the Members of Parliament: and as it further appears to us, that, until this ſource of corruption ſhall be cleanſed by the determination, perſeverance, firmneſs, and union of the people at large, we are robbed of the inheritance ſo acquired for us by

" our forefathers, and that our taxes, inſtead of being leſſened, " will go on increaſing, as they will furniſh more bribes, places, " and penſions, to Miniſters and Members of Parliament: we " therefore, having reſolved to unite ourſelves into one firm and " permanent body, for the purpoſe of informing ourſelves and " others of the exact ſtate of the preſent parliamentary repreſen- " tation, for obtaining a peaceful but adequate remedy to this intolerable grievance, and for correſponding and co-operating " with other Societies, united for the ſame objects, have unani- " mouſly adopted the following regulations for the internal order " and government of our Society." They then ſtate their regulations; and their conſtitution having been thus formed, they publiſh it afterwards in the month of May. What obſervations they ſtate to the public upon it in the month of May, I ſhall have occaſion to repreſent preſently; you will ſee the manner of proceeding with reſpect to the election of their delegates, by the production of a particular paper. On the 13th of April, a perſon, whom you have heard much of, Mr. Margarot, is appointed a delegate; upon the 30th of April, Mr. Vaughan was, as far as the paper is evidence of the fact, appointed delegate for No. 63; Mr. Richter, a party named in this indictment, and Mr. Martin, another party, againſt whom the Grand Jury have found a bill, but who is not named in this indictment, are alſo appointed delegates. Mr. Hardy is not only Secretary, but he is appointed, upon the 13th of April, a delegate; and there is a choice of delegates for the whole of theſe bodies. You will find they afterwards met from time to time, to purſue the great purpoſes of their incorporation, at an alehouſe, I think the Bell in Exeter-ſtreet, in the Strand, from which place ſome of the correſpondence I am about to ſtate to you comes.

Gentlemen, the Society for Conſtitutional Information, having affiliated ſeveral Societies very ſuddenly with themſelves—whether Mr. Paine remained in this country or not I cannot tell—they felt an inclination to affiliate with another Society, which is to be, as it appears to me, in juſtice to them, very ſtrongly diſtinguiſhed indeed with reſpect to the principles, upon which they acted, I mean the Society calling itſelf the Friends of the People, meeting

meeting at Free Maſons Tavern; with what prudence or diſcretion that Society formed itſelf is a ſubject which I ſhall not diſcuſs, but it is a moſt important fact, that in the firſt attempt, which the Society for Conſtitutional Information made, (and it ought to be known in juſtice to the Friends of the People) the firſt attempt they made to affiliate themſelves with the Society of the Friends of the People, that Society in correſpondence, that will be read to you, acts, as ſome individual members of the Conſtitutional Society had done, they ſay—"No, we diſcover your deſign "from what you are doing; you tell us, from your approbation "of reſolutions entered into at Mancheſter, ſigned by Mr. Walk-"er, and Mr. Jackſon, that you approve the ſort of ſchemes "Mr. Paine has ſet forth; that you approve projects of giving, in "looſe and indefinite terms, the full extent of what you call the "rights of the people to the people: that is not our intent; we "think"—and, Gentlemen, many a man may very honeſtly think it, but he muſt go about the execution of his thoughts in a legal way, if he does ſo think, if he means to reduce his thoughts into practice—"we think that Parliament is not ade-"quate to all the ends, for which it is inſtituted as a body, through "which is to be ſpoken, as far as the conſtitution requires, the "will of the people; but we do not mean what you mean; we "mean to preſerve the forms of the conſtitution, which it is clear "you do not; we mean," ſays Lord John Ruſſel, in a letter, which will be read, "to preſerve the forms of the conſtitution, "and therefore muſt decline all correſpondence with you."

Gentlemen, it happens—it belongs to Societies of this nature, and I deſire to be underſtood therefore, in ſtating it, only as ſtating a circumſtance, which in its nature does belong to thoſe Societies, and which will happen—that it was thought neceſſary, for the great purpoſe of doing that which was eventually to be done; that a Society, which had rejected Co-operation with the Society for Conſtitutional Information, ſhould ſtill be kept, for the purpoſes of the Society for Conſtitutional Information, in fact and effect, correſponding and connected with it. Accordingly you will find that this Society of the Friends of the People, rejecting upon principle the plan which they thought abandoned the forms of the conſtitution, that this Society retained, in its own bo-

ſom, according to the account I have of it, many members, who happened to belong to the other Society, and the work of both Societies went on by the ſame inſtruments: they were thus therefore connected in fact, though they did not chooſe as a body to have one Society in connection with the other.

Gentlemen, having ſtated that, you will allow me now to mention, though it is a little out of date, but it alſo connects itſelf with and illuſtrates the laſt obſervations I made, that the Society at Sheffield, which had connected itſelf by affiliation with the Society for Conſtitutional Information, and you will alſo find with the London Correſponding Society, had received, about the 24th of May, intelligence from the Society of the Friends of the People, which ſtated to them very correctly what their objects were, the means, by which they meant to accompliſh them, and the attention, which they meant to pay to the forms of the Conſtitution. You will now ſee what the Society for Conſtitutional Information underſtood to be the objects of the Sheffield Society, and what the Sheffield Society underſtood to be the objects of the Society for Conſtitutional Information. The Sheffield Society (though I do not know that they kept their word) diſtinctly diſavowed, in a letter of the 26th May, to the Conſtitutional Society, having any thing more to do with that Society —called the Friends of the People—which meant to preſerve the forms of the conſtitution; repreſented that they had totally miſunderſtood them, and would have nothing more to do with them, but to the extent, to which the Society for Conſtitutional Information permitted.

You will find in a letter from Sheffield, of the 26th May, and this corrected by Mr. Tooke, that they thank the Conſtitutional Society for accepting their members. They then ſtate that they had increaſed to two thouſand four hundred.—" On Saturday " laſt, the 19th inſtant, we received a packet of printed addreſſes, " reſolutions, &c. from the Society (Free Maſons tavern), which " on mature conſideration we find ourſelves not ſo well reconciled " to the ideas they convey to us as we could wiſh, if they had " appeared in a different point of view; nor do they afford us " ſuch a flattering proſpect, as we were apprehenſive might be " expected from an aſſociation of ſo reſpectable a body, under

" the

" the high denomination of the Friends of the People. In our " opinion, their anſwer of the 12th inſtant to your letter of the " 27th ultimo is no ways compatible with that appellation; " from the known reſpectability of many names which appear " amongſt them, we had entertained great hopes of their real " uſe"—mark the words Gentlemen—" in obtaining a thorough " reform"—now mind what that reform is—" in obtaining a " thorough reform upon the principles of the Rights of Man,"—that is, a repreſentative government, rejecting the King, and rejecting every other part of the conſtitution of this country, except ſo far as it was conſiſtent (indeed it is not conſiſtent with any part of it) with the principles of the rights of man—" which can " never be accompliſhed until every man enjoys his lawful and " juſt privileges."

" Previous to the reception of this packet, we did communi- " cate to them by letter the pleaſing hopes it reflected on us on " looking forward, viewing ſuch reſpectable characters ſignalizing " themſelves in ſupport of the people's rights, agreeable to the " above principles, and the denomination by which they have " entitled themſelves, &c. In due courſe they would receive " our letter laſt Thurſday ſeven-night; and in conſequence, we " apprehend the packet was forwarded to us on the ſame day, " but without any written communication. We ſhall not at- " tempt any further communication with them, until we are " favoured with your ſentiments upon the ſubject, or until " matters of doubt which are at preſent entertained be removed." Then there is a note, which ſhews the neceſſity of this foſtering care of the Conſtitutional Society: they ſay—" Birmingham in " particular claims all the aſſiſtance from eſtabliſhed Societies, " which poſſibly can be adminiſtered."[21]

Having written to the Conſtitutional Society upon the 26th of May, they find it expedient, for the ſame purpoſe, to trouble their correſpondents of the London Correſponding Society: " We were favoured with your very affectionate letter of the " 7th ultimo, and communication, in due courſe; and I am " directed by this Society to inform you, that it is with infinite

" fatisfaction they receive the information, that your firm and " laudable endeavours are directed to that effectual and neceſ- " ſary purpoſe, of opening and enlightening the public mind, " and diſſeminating uſeful knowledge amongſt the general maſs " of the people: by an orderly proceeding in a firm purſuit of " truth and equity, there cannot be a doubt but that our joint " endeavours will in due time be crowned with ſucceſs.

" As brothers and fellow-labourers we congratulate you on " the rapid progreſs of uſeful and real knowledge in the various " parts of this nation, which ſufficiently indicates that the time " cannot be far diſtant when truth will be more predominant, " equity more generally adminiſtered, and found wiſdom more " univerſally ſought after; when pride, ambition, and ignorance, " give place to theſe virtues, when oppreſſion ceaſes and charity " abounds, when men in principle and practice verify the neceſ- " ſity and advantage of doing to others as they wiſh to be done " by; then, and not till then, can any people or nation be ſaid " to be happy.

" We have herewith incloſed our rules, &c. Should have " written you much ſooner, but on account of a diſappointment " in the printing of our articles, &c.

" Our numbers continue to increaſe, both here, and in the " adjacent towns and villages; a general concurrence prevails, " as to the neceſſity of the buſineſs, and the meaſures adopted by " this Society for obtaining our object. It will be of great im- " portance to the cauſe we are engaged in, that a more frequent " communication be maintained amongſt all the ſimilar inſtitu- " tions; for which reaſon we beg the favour of your correſpon- " dence at every convenient opportunity, which will be highly " obliging to this Society, who in return pledge themſelves to " obſerve the ſame rule."

Gentlemen, having ſtated to you now what it was that the Society of the Friends of the People diſcovered to be the object of the Conſtitutional Society, and I agreeing with them in thinking their diſcovery upon that ſubject was accurate and right, you will find it neceſſary to go back and to proceed in the order of time

time to the 7th of April. Mr. Hardy ſent from the London Correſponding Society a copy of their reſolutions to the Society for Conſtitutional Information, which was eſtabliſhed at Manchester, and deſired alſo to have correſpondence with them, as they were all engaged in one common cauſe; that Manchester Society, you will recollect, which hoped that the other great benefits which Mr. Paine had ſtated, would be carried into effect.

He ſays, "We began this ſociety about ten weeks ago; it is "compoſed chiefly of tradeſmen and ſhop-keepers. The incloſed "will inform you of the principles we ſet out upon.—When we "firſt aſſociated, we flattered ourſelves that no other ſocieties in "the nation were formed upon the ſame principles—but in two "or three weeks afterwards we were moſt agreeably informed of "our brethren at Sheffield having taken the lead in ſo glorious a "cauſe—we immediately wrote to them, and were anſwered "without delay, expreſſing a wiſh to unite with us, for promot-"ing the ends we have in view, and we are aſſured of ſucceſs, by "perſevering prudently, and with unanimity."

Upon the 18th of April, 1792, in furtherance of this plan, you will find Mr. Hardy writes a letter to the Preſident of the Society in the Borough—Now that is the Society, the principles of which I have ſo diſtinctly ſtated before, as leading to *repreſentative government*, as the only ſecurity for liberty in the country.—It appears that their declarations had alſo been ſent to the London Correſponding Society; and Mr. Hardy, upon the 18th of April, 1792, ſays, "I am ordered by the London "Correſponding Society, to ſend a copy of their reſolutions to the "Society that meets at the Three Tuns Tavern in the Borough, "eſtabliſhed on purpoſe for reſtoring the rights of election, or, "in other words, to obtain an equal repreſentation of the "people of this nation in Parliament."

Now they had avowed, and avowed in their declaration, that their object of a repreſentation of the people in Parliament was preciſely, that more extended one in its principle, which obtained at the time of the Commonwealth in England—namely, a repre-

a repreſentation of the people in Parliament, termed a Parliament, but without King or Lords, *a repreſentative government*—"We ſhould be very happy to enter into a correſpondence with "your ſociety—as we are all engaged in the ſame grand and "important cauſe, there is an abſolute neceſſity for us to unite "together, and communicate with each other, that our ſentiments and determinations may center in one point, *viz.* to "have the rights of man re-eſtabliſhed, eſpecially in this nation; "but our views of the rights of man are not confined ſolely to "this ſmall iſland, but are extended to the whole human race—"black or white, high or low, rich or poor, I give you the "following as my own opinion—perhaps you may think it a "ſingular ſentiment"—and then an opinion is given, which is my duty to ſtate, though I do not underſtand it—"that the "King and the nobles, as much as the peaſant and ignoble, "are equally deprived of their rights——Our ſociety meets "every Monday night."

Gentlemen, there is an anſwer to this, from a perſon of the name, I think, of Favell, who is Chairman of the Friends of the People in Southwark: He ſays—"I duly received your letter "containing the reſolutions of the London Correſponding So-"ciety—which I have communicated to our ſociety in the "Borough—and I am directed to return them the thanks of "that ſociety, and to aſſure them they ſhall cordially unite "with them, and all ſimilar ſocieties throughout the kingdom, "in endeavouring to effect thoſe great objects for which they "are aſſociated—namely, to engage the attention of their fel-"low citizens to examine the general abuſes of government, "and to exerciſe their deliberative wiſdom in a calm but in-"trepid manner in applying thoſe remedies."—This is in April; and in Auguſt they expreſsly tell you, that there was to be no remedy from Parliament—"In applying thoſe remedies which "the Country at large may ultimately require—and they ſin-"cerely agree with you in hoping that the long neglected "rights of man will be reſtored, not only in this country, but "in every part of the globe where man may dwell.—We ſhall "very ſoon tranſmit you a copy of our declaration, and hope "for your further correſpondence."

A letter

A letter and reſolutions from the Revolution and Conſtitutional Societies at Norwich, dated 26th of April, 1792, were read at the meeting of the Society for Conſtitutional Information on the 4th of May following: they diſtinctly ſtate—that Mr. Paine's books were to be the medium, through which the prejudices that had grown up under the Britiſh Government were to be got rid of, and the Conſtitutional Society return them their thanks in theſe words—"This ſociety receives the above com-"munication with the moſt heartfelt ſatisfaction, and deſires "earneſtly to concur and co-operate with thoſe ſocieties in their "laudable objects; that the Secretary do inform them of the "ſame, and that this ſociety has unanimouſly elected the "twelve Members of the Norwich Societies to be aſſociated "Members of this Society."

Upon the 11th of May, 1792, the Conſtitutional Society reſolved, that there ſhould be a communication from that ſociety with the ſociety of the Friends of the Conſtitution at Paris, known by the name of Jacobins: they ſend an addreſs to them, which is in theſe words—"Brothers and fellow citizens of the "world—

"The cordial and affectionate reception with which you have "honoured our worthy countrymen, Mr. Thomas Cooper, "and Mr. James Watt, members of the ſociety of Mancheſter, "and united with our ſociety, has been communicated to us "by the correſpondence of thoſe gentlemen.

"In offering you our congratulations on the glorious Revo-"lution which your nation has accompliſhed, we ſpeak a "language which only ſincerity can dictate.

"The formality of courts affords no example to us: to do "our thoughts juſtice, we give to the heart the liberty it de-"lights in, and hail you as brothers.

"It is not among the leaſt of the revolutions which time is "unfolding to an aſtoniſhed world, that two nations, nurſed by "ſome wretched craft in reciprocal hatred, ſhould ſo ſuddenly "break their common odious chain and ruſh into amity.

"The principle, that can produce ſuch an effect, is the off-"ſpring of no earthly court; and whilſt it exhibits to us the

"expenſive

" expenſive iniquity of former politics, it enables us with bold
" felicity to ſay we have done with them.

" In contemplating the political condition of nations, we
" cannot conceive a more diabolical ſyſtem of government than
" that which has been generally practiſed over the world, to
" feed the avarice, and gratify the wickedneſs of ambition; the
" fraternity of the human race has been deſtroyed, as if the
" ſeveral nations of the earth had been created by rival gods—
" man has not conſidered man as the work of one Creator.

" The political inſtitutions, under which he has lived, have
" been counter to whatever religion he profeſſed.

" Inſtead of that univerſal benevolence, which the morality
" of every known religion declares, he has been politically bred
" to conſider his ſpecies as his natural enemy, and to deſcribe
" virtues and vices by a geographical chart.

" The principles we now declare are not peculiar to the
" ſociety that addreſſes you; they are extending themſelves with
" accumulating force through every part of our country, and
" derive ſtrength from an union of cauſes, which no other prin-
" ciples admit.

" The religious friend of man, of every denomination, re-
" cords them as his own, they animate the lover of rational
" liberty, and they cheriſh the heart of the poor, now bending
" under an oppreſſion of taxes, by a proſpect of relief.

" We have againſt us only that ſame enemy, which is the
" enemy of juſtice in all countries, a herd of courtiers fatten-
" ing on the ſpoil of the public.

" It would have given an additional triumph to our congra-
" tulations, if the equal rights of man, which are the founda-
" tion of your declaration of rights, had been recognized by the
" governments around you, and tranquillity eſtabliſhed in all;
" but, if deſpotiſms be ſtill reſerved to exhibit, by conſpiracy
" and combination, a further example of infamy to future
" ages, that Power that diſpoſes of events, beſt knows the means
" of making that example finally beneficial to his creatures.

" We

" We have beheld your peaceable principles inſulted by deſ-
" potic ignorance; we have ſeen the right hand of fellowſhip,
" which you hold out to the world, rejected by thoſe who riot
" on its plunder; we now behold you a nation provoked into
" defence, *and we can ſee no mode of defence equal to that of*
" *eſtabliſhing the general freedom of Europe.*

" In this beſt of cauſes we wiſh you ſucceſs; our hearts go
" with you; and in ſaying this we believe we utter the
" voice of millions."

Gentlemen, this addreſs was ſigned by the Chairman of the Conſtitutional Society, and tranſmitted to Mr. Watt at Paris; and upon the 28th of May, 1792, was ordered to be publiſhed.

After this, the principles of Mr. Paine, which, you obſerve, contain the doctrines that I have been ſtating to you, were carried further in a third book, (I mean in that book called The Addreſs to the Addreſſers, which I ſhall alſo be able to give in evidence to you,) Mr. Paine having there gone the length of aſſerting the folly, abſurdity, and wickedneſs of the Government, under which we live—not only of aſſerting the incompetency of government, as it is conſtituted, to change itſelf, but having aſſerted that a Conventionary Repreſentation of the people, in that ſenſe in which we ſpeak of it, muſt do this work, he proceeds to the extent of ſtating the plan and form of an organization of that ſort, upon which the Convention was to be framed.

Gentlemen, it was impoſſible not to apply to the juſtice of the law againſt the attack made upon our Government by the perſon who went to the extent I am now ſtating, with the approbation, publiſhed over and over again, of theſe ſocieties, who, in their corporate character, if I may ſo ſpeak, could not be proſecuted for doing it—it became neceſſary to aſk a Jury of this country, whether theſe doctrines were to be tolerated—what is the conſequence of that? It is, that theſe ſocieties immediately enter into ſubſcriptions for the ſupport of Mr. Paine, and they conſider themſelves as engaged in propagating his works in that way, in which no work ever was propagated—to the intent to produce that Convention, without which the nation, in no organization

ganization of its government, could be ſaid, according to them, to exiſt in a ſtate of freedom as a Nation.

Gentlemen, you will not be ſurpriſed, if it alſo appears that, in going on progreſſively to the execution of the miſchief that was intended, they became more miſchievous; and you will find members parting from the ſociety, expreſsly telling them, that they meant to deſtroy the government of the country; that they cannot, therefore, ſtay among them; and to which members, as far as appears from any information that I have had, they did not condeſcend to explain themſelves—to ſay no, you have miſtaken our object—this is not what we mean—but they leave them unanſwered, and go on to execute the purpoſes they were about.

Having come to thoſe reſolutions in order to ſupport Mr. Paine in theſe proſecutions, they publiſh the reſolutions, they publiſh the books of Mr. Paine, they publiſh theſe reſolutions in the various newſpapers, (the editors of theſe newſpapers inſuring, if I may ſo ſay, themſelves againſt the hazards of the law, ſome for more, ſome for leſs, and they riſk the hazard of propagating the doctrines, provided the conſideration paid is ample enough, as a premium for the riſk,) and then theſe publications are ſent down to the country to various places, in hundreds, and thouſands—I am ſorry to ſay, to perſons of all profeſſions to diſtribute—I am ſorry to ſay, to ſome of the moſt ſacred profeſſions, whoſe names will appear to you when they come to be read—and this mode of propagating theſe doctrines is adapted to the utter impoſſibility of detection, and for the very purpoſe of having that effect—to make the law of the country unequal to the miſchief, which it was to meet.

At this time a proclamation was iſſued by the executive government of the country, in order to reſtrain theſe publications, and both the ſocieties, you will find, cloaking themſelves under the words "a full and fair repreſentation of the people," which words they have never condeſcended to explain, which words never do exiſt in any text of any writing of theirs, as I can find, with the mention of a King, or other houſe of legiſlature—

they

they vilify the proclamation, and they make the very means the executive government took to ſuppreſs the miſchief, a means, by which they ſhould ſpread the effect of the miſchief more widely and diffuſely than otherwiſe they could have done.

Upon the 24th of May, 1792, there is a letter ſent from Mr. Hardy, I believe not in his own hand-writing, but I believe in the hand-writing of Mr. Vaughan, whom I before named to you, in which he ſtates, that by the direction of the London Correſponding Society, he had the honour of encloſing to them a Copy of their addreſs and regulations, which he requeſts they will communicate to the Conſtitutional Society. The thanks of the ſociety were given to them for this; and that is a publication more guarded than another you will find publiſhed upon the 6th of Auguſt, 1792.

After ſtating their conſtitution, which I before mentioned to you, it ſays—"But, as Providence has furniſhed men in every "ſtation with faculties neceſſary for judging of what concerns "themſelves, ſhall we the multitude ſuffer a few, with no "better right than ourſelves, to uſurp the power of governing "us without control? Surely not: let us rather unite in one "common cauſe to caſt away our bondage, being aſſured, that "in ſo doing we are protected by a Jury of our countrymen, "while we are diſcharging a duty to ourſelves, to our country, "and to mankind."

Gentlemen, you will find from a paper of the 6th of Auguſt, that that, which they ſuppoſed was to meet with protection from a Jury of the country, was a combination to reform the Government of the country by means—other than application to parliament—which binds together, with the King, as the great political body of the country, the whole ſyſtem, under which we live.

Gentlemen, the London Correſponding Society, as to the King's Proclamation, followed the example of the Conſtitutional Society, and on the 31ſt of May, 1792, in a paper that will be read to you, they vilify the Proclamation; and this paper having been communicated by the London Correſponding Society to the Conſtitutional Society—they, aware of the nature of it, orde-

order, that that paper ſhould be publiſhed in ſuch newſpapers *will* receive the advertiſements of this ſociety.—They were pretty well aware that they were of ſuch a nature as made it ſomewhat hazardous to publiſh them.

You will find a letter dated the 14th of June, 1792, from certain perſons ſtyling themſelves the Editors of the Patriot, (who they are I am not able to ſtate to you,) but who, for the purpoſes of theſe ſocieties, thought it neceſſary to conceal their names, in which they deſire the Correſponding Society to take an opportunity of enlightening the public mind by publications, by advertiſements, by circulating thoſe papers in villages to country farmers, deſiring, as I ſtated, to conceal their name, but requeſting that the papers might be ſent to a perſon, who holds an important ſituation in a ſubſequent part of this buſineſs—a Mr. Gale, a bookſeller, at Sheffield.

Gentlemen, there will be laid before you various parts of the proceedings of the Conſtitutional Society, which relate to Mr. Paine, which I ſhall now paſs over, except for the purpoſe of calling your attention to another publication of his upon the 6th of June, 1792, and which was addreſſed to Mr. Dundas; you will likewiſe find that that book, which will be given you in evidence, diſtinctly diſavows all hereditary government; all Monarchy under whatever qualifications; and then, for the purpoſe of circulating this doctrine, as they had before circulated the doctrines in other works of this gentleman, they order, "that twelve thouſand copies of that letter ſhall be printed for "the ſociety, for the purpoſe of being tranſmitted to our Cor- "reſpondents throughout Great Britain, and that a committee "be appointed to direct the ſame."

Gentlemen, I paſs on now to the 6th of Auguſt, 1792; at which time there appears to me to have been an extremely important tranſaction in the London Correſponding Society; it is the propagation of an addreſs of that date, which firſt developes, as it ſeems to me, though in ſomewhat of covert language, the determination of theſe ſocieties to work what they call a Reform without any communication whatever with that Parliament, which they held to be incompetent to bring about the buſineſs.

You

You will find that upon the 8th of Auguſt, Mr. Hardy wrote a letter to Mr. Tooke; that he ſent him a proof copy of this addreſs; that he hoped it would merit his attention, and his approbation; that he ſhould be exceedingly happy to be favoured with his opinion of it before it was printed.

The addreſs, after ſtating what they conſidered as the grievances of the country, ſtates this—" ſuch being the forlorn " ſituation of three-fourths of the nation, how are Britons to " obtain information and redreſs? Will the court, will miniſtry " afford either? Will Parliament grant them? Will the nobles " or the clergy eaſe the people's ſufferings? No. Experience " tells us, and proclamations confirm it, that the intereſt and " the intention of power are combined to keep the nation in " torpid ignorance."

It then ſtates the only reſource to be in theſe ſocieties; it then ſtates various detailed reaſons, which you will hear, and then proceeds to this effect.

" Numerous other reforms would undoubtedly take place, " even in the firſt ſeſſion of parliament ſo elected, dependant " only on their electors the people; untorn therefore by faction, " undivided by party, uncorrupted by miniſtry, and uninflu- " enced but by the public good. Every tranſaction would tend " to reform, and a ſtrict œconomy, its natural conſequence, " might ſoon enable us to reduce our taxes; and by the inte- " grity of parliament, that reduction would light upon ſuch ob- " jects as beſt might relieve the poor; this to the people would " prove an advantageous and a novel ſeſſion, and to an honeſt " parliament not a tireſome one.

" Therefore, Britons, friends, and fellow-citizens, with " hand and heart unite, claim what is your right, perſevere " and be free, for who ſhall dare withſtand our juſt demands! " Oppreſſion, already trembling at the voice of individuals, " will ſhrink away and diſappear for ever, when the nation " united ſhall aſſert its privileges and demand their reſtoration."

Gentlemen, the addreſs you will find was circulated with infinite induſtry to every Correſponding Society in the kingdom, conveyed through every poſſible channel, the doctrine adopted

by all the affiliating ſocieties; and the plan, which they went upon from this 6th of Auguſt, 1792, appears to have been a plan to redreſs themſelves by their own power, and by their own ſtrength, and not by application to that Parliament, which alone can act in legiſlation: it ſeems to me to be impoſſible that you can miſtake what is meant by this paper, if you will give your more particular attention to a paper which was received from a ſociety at Stockport, upon the 27th of November, 1792, and found in the poſſeſſion of Mr. Hardy: This, after adverting to thoſe numerous grievances ſtated in the addreſs of the 6th of Auguſt, 1792, is to this effect.

"In obedience to the wiſhes of the ſociety here, I have the "pleaſure of acknowledging the honour of your letter, and the "packet, which the kindneſs of our brothers of the London "Correſponding Society ſo opportunely preſented us with.

"It is doubly deſerving our thanks, as it ſhews your kindneſs, "and as it will be uſeful in the formation of our infant ſociety; "we ſtand much in need of your experience in this particular, "and we doubt not of your beſt aſſiſtance; we are ſurrounded by "a majority, a formidable one indeed in power, abilities, and "numbers, but we are not diſmayed.

"We have carefully peruſed the addreſſes, and I am to obſerve "on their contents in general, that the ſentiments hardly "ariſe to that height which we expect *from men ſenſible of their* "*full claims to abſolute and uncontrollable liberty*, i. e. *unaccount-*"*able to any power which they have not immediately conſtituted and* "*appointed.*

"Theſe are our ſentiments, whatever may be yours: though, "in the preſent ſtate of political knowledge, it may be prudent "not to avow them openly, we deſire your ſentiments on the "means of accompliſhing that object, which we preſume you "have in view in common with us; we think it expedient that "we ſhould perfectly underſtand each other in the beginning, "leſt the appearance of diſunion might furniſh matter of tri-"umph to our enemies; we obſerve one expreſſion,"—you will take notice that Mr. Hardy at this time was a member both of the

the London Correſponding and the Conſtitutional Societies:—
" we obſerve one expreſſion, which ſays, ' numerous other re-
" forms would take place, &c. &c.' but we aſk how is that
" parliament to be choſen? *can we expect it from the preſent order*
" *of things?* would not all the evil be done away at once *by the*
" *people aſſembled in Convention?* does it appear probable that the
" odious laws, which we complain of, will be aboliſhed any
" other way? can the grievances ariſing from ariſtocracy be re-
" dreſſed while the ——— retains its preſent authority in the
" legiſlature,"—whether this blank is to be filled up with Crown or the houſe of lords is for you to judge,—" retains its preſent
" authority in the legiſlature? is the univerſal right of conſci-
" ence ever to be attained while the b——— maintain their ſeats
" on the ——

" Your thoughts on theſe important points, we moſt earneſtly
" deſire may be tranſmitted to us as ſoon as poſſible, not directed
" as the laſt,"—and this you will find often occurs: letters ſent under a feigned direction;—" we fear it will excite ſuſpi-
" cion."

The Stockport Society ſay of the addreſs of the 6th of Auguſt, 1792, ſent to them, that they think it hardly amounts to ſentiments ſuch as theirs, namely, that they muſt have abſolute and uncontrollable liberty, unaccountable to any power which they have not immediately conſtituted—that could not be the King and parliament of Great Britain—they ſay " we preſume you
" have the ſame view in common with us, and we deſire to have
" your ſentiments upon the means of accompliſhing that object."
What object? The object of putting themſelves in a ſituation of being unaccountable to any power, which they themſelves had not immediately conſtituted and appointed—how was that to be done?—was it to be done by Parliament? The addreſs of the 6th of Auguſt had diſavowed that it was to be done by parliament. Is it to be done, while the other parts of the legiſlature hold their ſituation in the legiſlature? We preſume you have the ſame object: tell us what you think upon this occaſion? This was the occaſion, upon which the addreſs of the 6th of Auguſt ought to have been explained, if they meant to diſavow

that they had any ſuch object; but what is the anſwer? The anſwer in effect is: That full and fair repreſentation of the people, that we are aiming at, is that which is to be the mediate or immediate inſtrument of removing all the grievances we labour under, though prudence does not permit us to ſpeak all we think upon the ſubject.

"Wit hinfinite ſatisfaction the London Correſponding Society's "Committee peruſed your letter; they are happy to learn your "ſteady determination, in ſpite of all obſtacles, to purſue that "ſole means of political felicity, a perfect repreſentation of the "people."

Now, what was the ſole means of this political felicity—a perfect repreſentation of the people—why the formation of a power by the people, making themſelves unaccountable to any other power, to any power but that which they had immediately themſelves conſtituted, namely, an aſſembly by a Convention of the people. Then, why don't they ſpeak out? They ſay, "with regard to our publications our ſentiments are expreſſed in "as ſtrong terms as prudence will permit, yet plain enough to "convince the public, that, while we expect every thing from "an honeſt and an annual parliament,"—a body might exiſt under the term Parliament in a commonwealth, as well as under a King—"nothing ſhort of ſuch *a ſenate* choſen by the whole "nation will ſatisfy us.

"True generoſity, the characteriſtic of this nation, and of all "unperverted men throughout the globe, calling upon us to "countenance at this juncture the arduous ſtruggle of the "French nation againſt deſpotiſm and ariſtocracy, thoſe foes to "the human race, we have reſolved upon addreſſing the French "National Convention." You will permit me to obſerve this was upon the 11th of October, 1792: the King of France was depoſed in effect upon the 10th of Auguſt, 1792. This paſſage in the tranſactions of this ſociety, appears to me to be peculiarly worthy your attention. "Without entering into the probable effects of "ſuch a meaſure, effects, which your ſociety will not fail to diſco-"ver, we invite you to join us, and to that end, herewith you have a

"copy

" copy of our intended addreſs; if you approve the idea, and will " concur in ſending it, be pleaſed to return us without delay a copy " ſigned by your preſident; we will then aſſociate your body with " ours, and with ſome others, who have already aſſented to the " meaſure; if, on the contrary, you diſapprove that mark of " zeal towards the only nation, that has hitherto undertaken to " reſtore to mankind its juſt rights, pleaſe to communicate to us " your objections." This was upon the 11th of October, 1792: upon the 6th of October, 1792, Mr. Barlow, (whoſe name occurs before with reſpect to his publication relative to the Privileged Orders,) writes a letter to the Society for Conſtitutional Information, accompanied with a book, called " Advice to the " National Convention of France," and you will be pleaſed to obſerve that Mr. Barlow, accompanied by a Mr. Froſt, afterwards, in the month of November, were ſent with an addreſs from the Conſtitutional Society to Paris, as their delegates for that purpoſe. The letter of Mr. Barlow is in theſe words.

" I have lately publiſhed a ſmall treatiſe under the title of 'A " Letter to the National Convention of France, on the defects " of the conſtitution of 1791, and the extent of the amendments " which ought to be applied:' although the obſervations con- " tained in this letter are more particularly applicable to the " French nation in the preſent criſis of its government, yet, as " the true principles of ſociety are every where the ſame, their " examination cannot be unſeaſonable in any nation, or at any " time; believing therefore, that the ſubject of this treatiſe will " not be thought foreign to the great object of your aſſociation, " I preſent a copy of it to you with the ſame confidence, as " I have done to the National Convention, and to the Conſti- " tutional Society at London, a confidence ariſing from the full " perſuaſion that the work is founded in truth and reaſon. I " take the liberty at the ſame time to ſend you a copy of another " publication, entitled 'Advice to Privileged Orders.' The " preſent diſpoſition in Europe towards a general revolution in the " principles of government is founded in the current of opinion, " too powerful to be reſiſted, as well as too ſacred to be treated " with neglect; and it is the duty of every individual to aſſiſt not " only in removing the obſtructions that are found in the way

" of this revolution ; but in aſcertaining, with as much preciſion " as poſſible, the nature of the object to be aimed at, and the " conſequence to be expected from the attainment, it is above " all things to be deſired that the convictions to be acquired " from national diſcuſſion, ſhould precede and preclude thoſe " which muſt reſult from phyſical exertion."

Now, you will give me leave to ſtate to you what the doctrine is in this book, for which the Society for Conſtitutional Information, Mr. Hardy then a member of it, thanked Mr. Barlow, make him an honorary member, and afterwards depute him to the National Convention of France.

Gentlemen, the doctrine, I can explain it to you generally, without troubling you by reading particular paſſages, amounts to this : Mr. Barlow, after ſtating the principles of equal active citizenſhip, which found their way into the conſtitution of France in 1791, and which conſtitution had made the King a part of the ſyſtem of that government, informs them of the glorious victory of the 10th of Auguſt, as the papers, which I have to adduce preſently, repreſent it ; that it had accompliſhed finally the effect of thoſe principles, which he underſtands to be the principles of thoſe to whom he was writing ; that it is impoſſible they ſhould conſiſt with this ſentiment, *that a King coula be retained in a government* ; that the conſtitution was at variance with itſelf ; that thoſe who made it had not diſcovered that, or, having diſcovered it, they thought the time was not yet come, when they could reduce the conſtitution to that pure government which was the object of theſe ſocieties ; he then tells you that in government, the maxim being *that a King can do no wrong*, the maxim ought to be *that he can do no good.*

This gentleman, ſo ſtating his doctrine as an explanation of the principles upon which they are acting, is voted by them an honorary member, and afterwards ſent to Paris with the papers, which I am about to read to you ; a great deal of evidence will be laid before you to prove that they had beat up all the country for letters and addreſſes to expreſs the ſame principles to France, not on account of the cauſe of France, but of the cauſe of England, and with a view to introduce the ſame effects into England.

England. I ſhall ſtate but two of theſe addreſſes, becauſe they ſeem to contain the effect of all the reſt that were actually ſent.

The London Correſponding Society firſt of all communicated to the Conſtitutional Society, in the month of October, 1792, their intention of ſending an addreſs to France: the Conſtitutional Society fully approve the purpoſe: they ſee the end that it aims at, and they determine not to concur in the ſame addreſs, but to ſend a ſeparate addreſs; and in their paper you may ſee the principles of both to be principles, which were expreſſed for the very purpoſe of aiding the co-operation of the ſocieties in excluding the King from the government of the country, and of raiſing a republic. This is the letter.

"Frenchmen, While foreign robbers are ravaging your "territories under the ſpecious pretext of juſtice, cruelty and "deſolation leading on their van, perfidy with treachery bringing "up their rear, yet mercy and friendſhip impudently held forth "to the world as the ſole motives of their incurſions. The op-"preſſed part of mankind"—that is Great Britain—"forgetting "for a while their own ſufferings, feel only for yours, and with "an anxious eye watch the event, fervently ſupplicating the "Almighty Ruler of the Univerſe to be favourable to your "cauſe, ſo intimately blended with their own"—that cauſe which upon the 10th of Auguſt had excluded the King from the government of the country—"frowned upon by an op-"preſſive ſyſtem of controul, whoſe gradual but continued en-"croachments have deprived this nation of nearly all its boaſted "liberty, and brought us almoſt to that abject ſtate of ſlavery, "from which you have ſo emerged; five thouſand Britiſh citi-"zens indignant manfully ſtep forth to reſcue their country from "the opprobium brought upon it by the ſupine conduct of "thoſe in power; they conceive it to be the duty of Britons to "countenance and aſſiſt, to the utmoſt of their power, the "champions of human happineſs, and to ſwear to a nation, pro-"ceeding on the plan you have adopted, an inviolable friendſhip. "Sacred from this day be that friendſhip between us, and may "vengeance, to the uttermoſt, overtake the man who hereafter "ſhall attempt to cauſe a rupture.

" Though we appear ſo few at preſent, be aſſured, French-
" men, that our number increaſes daily: it is true, that the
" ſtern uplifted arm of authority at preſent keeps back the timid;
" that buſily circulated impoſtures hourly miſlead the credulous;
" and that court intimacy with avowed French traitors has ſome
" effect on the unwary and on the ambitious; but with certainty
" we can inform you, friends and freemen, that information
" makes a rapid progreſs among us; curioſity has taken poſſeſ-
" ſion of the public mind; the conjoint reign of ignorance
" and deſpotiſm paſſes away; men now aſk each other what is
" freedom, what are our rights? Frenchmen, you are already
" free, and Britons are preparing to become ſo; caſting far from
" us the criminal prejudices artfully inculcated by evil minded
" men and wily courtiers, we, inſtead of natural enemies, at
" length diſcover in Frenchmen our fellow-citizens of the world,
" and our brethren by the ſame heavenly Father, who created us
" for the purpoſe of loving and mutually aſſiſting each other,
" but not to hate, and to be ever ready to cut each others throats
" at the command of weak and ambitious Kings, and corrupt
" miniſters; ſeeking our real enemies, we find them in our bo-
" ſoms, we feel ourſelves inwardly torn by and ever the victim
" of a reſtleſs and all conſuming ariſtocracy, hitherto the bane
" of every nation under the ſun: wiſely have you acted in ex-
" pelling it from France.

" Warm as our wiſhes are for your ſucceſs, eager as we are
" to behold freedom triumphant, and man every where reſtored to
" the enjoyment of his juſt rights, a ſenſe of our duty, as orderly
" citizens, forbids our flying in arms to your aſſiſtance: our
" government has pledged the national faith to remain neutral
" in a ſtruggle of liberty againſt deſpotiſm. Britons remain
" neutral! O ſhame! but we have truſted our King with
" diſcretionary powers; we therefore muſt obey: our hands are
" bound, but our hearts are free, and they are with you.

" Let German deſpots act as they pleaſe, we ſhall rejoice at
" their fall; compaſſionating however their enſlaved ſubjects,
" we hope this tyranny of their maſters will prove the means of
" re-inſtating in the full enjoyment of their rights and liberties
" millions of our fellow-creatures.

" With unconcern therefore we view the Elector of Hanover" —that is the King of Great Britain—" join his troops to traitors " and robbers; but the King of Great Britain will do well to " remember, that this country is not Hanover. Should he for- " get this diſtinction, we will not.

" While you enjoy the envied glory of being the unaided de- " fenders of freedom, we fondly anticipate in idea the numerous " bleſſings mankind will enjoy; if you ſucceed, as we ardently " wiſh, the triple alliance (not of *crowns*, but) of the *people of* " *America*, *France*, and *Britain*, will give freedom to Europe, " and peace to the whole world. Dear friends, you combat for " the advantage of the human race; how well purchaſed will be, " though at the expence of much blood, the glorious unprece- " dented privilege of ſaying mankind is free: tyrants and tyran- " ny are no more: peace reigns on the earth; and this is the " work of Frenchmen."

Gentlemen, this addreſs, which was ſent by that ſociety, was followed by another from the Society for Conſtitutional Information upon the 9th of November, 1792, which ſeems likewiſe to ſtate their principles.

" Servants of a ſovereign people, and benefactors of man- " kind,

" We rejoice that your revolution has arrived at that point of " perfection which will permit us to addreſs you by this title"— Servants of a ſovereign people, that is not the character of a Britiſh government; this is the principle of the Southwark reſolutions—" it is the *only one* which can accord with the charac- " ter of true legiſlators. Every ſucceſſive epoch in your affairs " has added ſomething to the triumphs of liberty, and *the glo-* " *rious victory of the 10th of Auguſt* has finally prepared the way " for a conſtitution which, we truſt, you will eſtabliſh on the " baſis of reaſon and nature." Mr. Barlow had in effect ſaid, (and they had made him an honorary member, and had tranſmitted their addreſs by his hands) that no conſtitution could reform upon the baſis of reaſon and nature, that left a King in the government, however the government was modified.

They

They proceed thus in their addreſs—" Conſidering the maſs " of deluſion, accumulated on mankind to obſcure their under- " ſtandings, you cannot be aſtoniſhed at the oppoſition you " have met both from tyrants and from ſlaves; the inſtrument " uſed againſt you by each of theſe claſſes is the ſame, for, in " the genealogy of human miſeries, ignorance is at once the pa- " rent of oppreſſion and the child of ſubmiſſion.

" The events of every day are proving, that your cauſe is " cheriſhed by the people in all your continental vicinity; that " a majority of each of thoſe nations are your real friends, whoſe " governments have tutored them into apparent foes; and that " they only wait to be delivered by your arms from the dreaded " neceſſity of fighting againſt them.

" The condition of Engliſhmen is leſs to be deplored; here " the hand of oppreſſion has not yet ventured completely to ra- " viſh the pen from us, nor openly to point the ſword at you."

They then go on to ſay:—" From boſoms burning with ar- " dour in your cauſe, we tender you our warmeſt wiſhes for the " full extent of its progreſs and ſucceſs; it is indeed a ſacred " cauſe, we cheriſh it as the pledge of your happineſs, our na- " tural and neareſt friends, and we rely upon it as the bond of " fraternal union to the human race, in which union our own " nation will ſurely be one of the firſt to concur.

" Our government has ſtill the power and perhaps the incli- " nation to employ hirelings to contradict us; but it is our real " opinion, that we now ſpeak the ſentiments of a great majority " of the Engliſh nation; the people here are wearied with im- " poſture, and worn out with war; they have learned to reflect " that both the one and the other are the offspring of unnatural " combinations in ſociety, as relative to ſyſtems of government, " not the reſult of the natural temper of nations as relative to " each others happineſs.

" Go on, legiſlators, in the work of human happineſs, the " benefit will in part be ours, but the glory ſhall be all your " own; it is the reward of your perſeverance, it is the prize of

" virtue, the ſparks of liberty preſerved in England for ages, " like the corruſcations of the northern Aurora, ſerving but to " ſhew the darkneſs viſible in the reſt of Europe. The luſtre of " the American republic, like an effulgent morning, aroſe with " encreaſing vigour, but ſtill too diſtant to enlighten our hemiſ- " phere, till the ſplendour of the French revolution burſt forth " upon the nations in the full fervour of a meridian ſun, and diſ- " played"—attend to the words—" in the midſt of the European " world the practical reſult of principles, which philoſophy had " fought in the ſhade of ſpeculation, and which experience muſt " every where confirm,"—the principles of Mr. Paine, who went over to form one in that Convention, the exiſtence of which ſhews the practical reſult of thoſe principles, which philoſophy had ſought, and which experience was to confirm—" it diſpels " the clouds of prejudice from all people, reveals the ſecrets of " all deſpotiſm, and creates a new character in man.

" In this career of improvement your example will be ſoon " followed, for nations, riſing from their lethargy, will reclaim " the rights of man with a voice which man cannot reſiſt."

Gentlemen, it will not be matter of ſurpriſe to you that letters, ſuch as theſe to the National Convention in France, ſhould have produced opinions in that country reſpecting the attachment of individuals in this to their government. It is not therefore very extraordinary that, upon the 19th of November 1792, that famous decree paſſed of fraternization with all ſubjects in all countries, who choſe to reſiſt the governments under which they live; but I think you will be ſurpriſed that any man could receive in this country, and read with approbation, and enter upon their proceedings the anſwers, which theſe addreſſes brought from France, and which were read in the preſence of the priſoner at the bar, without being aſtoniſhed that they did not at leaſt take ſome means to reject from them the imputation that they meant, in their own country, all that theſe anſwers ſuppoſe they mean, and all that theſe anſwers promiſe to aſſiſt them in accompliſhing.

You will find, upon the 14th of December 1792, that a letter from the Society of the Friends of Liberty and Equality, ſitting

at Láon, the head of the department of the Aiſne, to the patriotic ſociety of London called the Society for Conſtitutional Information, is read, and referred to their Committee of Correſpondence: it is in theſe words: "The Society of the Friends of Liberty "and Equality ſitting at Láon, the head of the department of the "Aiſne, to the Patriotic Society of London called the Society "for Conſtitutional Information.—Generous Republicans, the "philanthropic gift that you have preſented to the warriors of "France"—they had ſent ſome ſhoes, and were at that time thinking of giving them ſome arms—"announces with energy "the great intereſt that you take in the ſacred cauſe which "they are defending. Accept the thanks of a Society, that does "honour to itſelf in eſteeming you. The time perhaps is not "far diſtant, when the ſoldiers of our liberty ſhall be able to "teſtify their gratitude to you: then their arms, their blood "itſelf, ſhall be at the ſervice of all your fellow-citizens, who, like "you, acknowledge no rights but the rights of man; then "France and England ſhall form together a treaty of union as "laſting as the courſe of the Seine and the Thames; then there "as here, there ſhall exiſt no other reign but that of liberty, "equality, and friendſhip. May this day of felicity and glory "ſoon ſhine upon the horizon of two nations formed to admire "each other."

Gentlemen, they then enter upon the minutes of the Society another letter from another fraternizing Society, whether one of thoſe Societies which they ſpeak of in the beginning of 1792, as affiliating Societies in France, or not, I do not know; whether they had been aſſiſting to reduce their principles into practice I do not know; but it is clear that the affiliating Society in France offered them their aſſiſtance for that purpoſe. Accordingly, you will find that the Society of the Friends of Liberty and Equality eſtabliſhed at Macon write to the Conſtitutional Society at London, adverting to what they had ſaid in their addreſs to the nation about the glorious victory of the 10th of Auguſt 1792, the circumſtances of which ſhall be deſcribed to you in evidence, becauſe you will find that ſome of the perſons who are charged in this

this indictment (and whose conduct in this conspiracy will upon the clearest principles of law affect all of them) were then present in Paris. They write thus—" Yes, citizens, our brethren, and friends, the 10th of August 1792 shall be distinguished"—what, in the annals of France?—" distinguished in the annals *of the* " *world*, as the day of the triumph of liberty. Our first revolution" —(Mr. Joel Barlow or Mr. Paine, one should have thought, had wrote it)—" our first revolution did but shew to us the salutary " principles of the imprescriptible rights of man: all, except the " faithless and the enemies of humanity, adopted them with en- " thusiasm. It was then that we formed ourselves into a Society, " in order the better to impress them upon ourselves, and after- " wards to teach them to our fellow-citizens.

" Our first constitution had consecrated them, but had not al- " ways taken them for its base: the dominion of the passions, the " force of habit, the impression of prejudices, and the power of " the intrigues employed in our Constituent Assembly, found the " secret to preserve sufficient authority to our tyrants, to extin- " guish at some time the sacred rights of nature, and to re-establish " despotism on its throne of iron.

" But royalty, thus preserved, was not content with the victory " secured to it by a set of men, the greatest part of whom it had " corrupted. It was impatient to reap the fruits that it appeared " to promise itself; but its too great eagerness has hastened its " ruin, and secured the triumph of reason.

" The French, proud of their own existence, soon perceived " the fruit of their first legislature; became sensible of the imper- " fection of their first laws, saw that they made a surrender of " the rights of liberty and equality, which they had embraced; " they roused themselves anew to demand at length laws impar- " tial and humane.

" From thence the necessary day of the 10th of August 1792, " from thence a second revolution, but a revolution which is only " the completion of the first, which has received our vows, and " our oaths, and which we will bless for ever, if it leads us, as

" we

" we hope it will, to the happineſs of the nation, to the conſtant " maintenance of liberty and equality.

" Let intriguers, fools, and tyrants, calumniate us; we deſpiſe " them too much to condeſcend to anſwer them, and ſeek for " their eſteem.

" That which flatters us is the intereſt that *you* take in our " labours: *your* attention has contributed to the ſucceſs of our " arms. We deſire your eſteem, we are proud of your appro- " bation.

" We ſmile at the expreſſion of the ſentiments that you ma- " niſeſted to our repreſentatives. We behold a nation of bre- " thren rouſe itſelf to ſupport the cauſe of humanity; we behold " the brave Engliſh adopt our principles, become our friends: " we ſay to each other with pleaſure, ſoon will they become our " allies, and, uniting our efforts, we ſhall go on to deliver the " univerſe from the yoke of tyrants, to reſtore the nations to rea- " ſon and nature. That day is not far diſtant, if we may rely on " our own courage, and the hope of your alliance. In the mean " time, receive our thanks, and correſpond with brethren who " ſet a high value upon your eſteem."

Gentlemen, on the 17th of December 1792, the Popular and Republican Society of another department at the mouth of the Rhone, wrote them this letter: " The Popular and Republican " Society of Apt, department of the mouths of the Rhone, to the " Popular Society ſitting at London, live free or die. Citizens, " brethren, and friends, when two great nations, acquainted with " their rights, approximated by their commercial connections " and their national ſituation, formed to live and to act in " concert with each other, begin to form the glorious project of " uniting themſelves for the regeneration of the human race, one " may then ſay with reaſon that Kings are ripe and ready to fall. " How glorious it will be for France and England to have formed " alone a confederacy deſtructive of tyrants, and to have pur- " chaſed at the price of their blood the liberty of Europe; we " may ſay more, of the whole univerſe. Courage, brethren and " friends! It is for you to follow in the glorious and hazardous

" career

" career of the revolution of the world; can you any longer " groan under the yoke of a government that has nothing of " liberty but the name? for, although your land was inhabited " before ours by freemen, can you, without deluſion, conſider " your government as ſuch? will you content yourſelves with a " partial freedom? will the Engliſh be ſatisfied with principles? " will that bold nation, that has produced philoſophers the moſt " profound, and that firſt of all perceived the ſparkling rays of " freedom, remain a ſpectatrix in ſo noble a cauſe? No, brethren " and friends, no, you will ſoon lift yourſelves up againſt that per- " fidious Court of St. James's, whoſe infernal policy, like that " which found its doom in the Thuilleries, has made ſo many " victims in our two nations, and does diſunite them perpetually " to rule over them. Your love for liberty has fixed your atten- " tion upon the wants of our defenders; your generoſity towards " them has a title to the acknowledgment of the republic; we " are impatient to furniſh you the ſame advantages: the Popular " Societies of France deſire ardently the epoch that ſhall permit " them to addreſs their voice to the National Aſſembly of Great " Britain, and to offer to the ſoldiers of liberty of your nation " arms, bayonets, and pikes."

This is the private correſpondence between the Societies and the Society for Conſtitutional Information; but ſome of the perſons named in this indictment were preſent at the ſcenes I am now going to ſtate, at the bar of the National Convention in France; others of them delivering theſe ſentiments by their ambaſſador Mr. Barlow, whoſe principles you have ſeen, and Mr. Froſt, of whom I muſt ſtate it, becauſe I ſhall prove it, that he has been convicted in this country of coming from that country with the doctrine of No King: they offer theſe addreſſes to the National Convention of France in terms, the ſubſtance of which I will ſtate to you, as far as I underſtand it to be, and I believe it is an accurate tranſlation.

" Mr. Barlow and Mr. Froſt, Engliſh Citizens, being ad- " mitted to the bar, one of them pronounced the following ad- " dreſs."—Gentlemen, the actual fact of his pronouncing it will be given in evidence: the date is the 28th of November 1792, nine days after the decree of the National Convention, which had

had promiſed fraternal aſſiſtance to the ſubjects of any country, that found themſelves oppreſſed by any of their caſts and privileged orders.

" Citizens of France, we are deputed from the Society for " Conſtitutional Information in London, to preſent to you their " Congratulations on the triumphs of liberty. This Society had " laboured long in the cauſe with little proſpect of ſucceſs pre- " vious to the commencement of your revolution; conceive " then their exultations and gratitude when, by the aſtoniſhing " efforts of your nation, they beheld the reign of reaſon acquir- " ing an extenſion and ſolidity which promiſed to reward the " labour of all good men, by ſecuring the happineſs of their " fellow-creatures. Innumerable Societies of a ſimilar nature " are now forming in every part of England, Scotland, and Ire- " land: they excite a ſpirit of univerſal inquiry into the compli- " cated abuſes of government, and the ſimple means of a reform. " After the example which France has given, the ſcience of re- " volutions will be rendered eaſy, and the progreſs of reaſon will " be rapid. It would not be ſtrange if, in a period far ſhort of " what we ſhould venture to predict, addreſſes of felicitation " ſhould croſs the ſeas to *a National Convention in England.* " We are alſo commiſſioned to inform the Convention, that the " Society which we repreſent has ſent to the ſoldiers of liberty a " patriotic donation of a thouſand pair of ſhoes, which are by this " time arrived at Calais; and the Society will continue ſending a " thouſand pair a week for at leaſt ſix weeks to come; we only " wiſh to know to whoſe care they ought to be addreſſed."

Why, Gentlemen, am I to be told then that, in the month of November 1792, thoſe who, in Auguſt 1792, had ſaid they could apply with no effect to parliament, had no idea of ſuch a National Convention in England, as that National Convention in France which they were addreſſing, and from which they were expecting to receive addreſſes? am I to be told that they had no idea of ſuch a Convention, as ſhould overturn the Conſtitution of this country? it is impoſſible to put ſuch a conſtruction upon ſuch proceedings.

Gentlemen,

Gentlemen, you will likewiſe find that the Preſident of the Convention thought it neceſſary to give an anſwer to this addreſs. I will ſtate the ſubſtance of it: it will be read in evidence; therefore I ſhall not take up time in looking for it. The Preſident, conſidering them as generous Republicans, (and well he might after what had paſſed) he makes an addreſs to them, expreſſing much the ſame ſentiments as thoſe in which they had addreſſed him, and then he concludes by ſaying—" without doubt " the time approaches when we ſhall ſoon ſend congratulations to " *the National Convention of England.*"

Gentlemen, you will likewiſe find that the London Correſponding Society, and the Conſtitutional Society, endeavoured to excite perſons in all parts of this kingdom to ſend theſe addreſſes; that, in point of fact, there are various other addreſſes ſent, of ſimilar import, at the inſtigation of theſe Societies, and the intent of them, I think, cannot poſſibly be miſunderſtood; but take the intent of them to be what you will, let my learned Friend tell you, as he will, that there as yet was no war between Great Britain and France, you will allow me to ſay that there is evidence of a diſtinct intent that there ſhould be a National Convention in England, and that the French ſoldiers of liberty ſhould aſſiſt what they would call the ſoldiers of our liberty, whether there ſhould be a war between Great Britain and France or not; and you will allow me to ſay that, in that very month of November 1792, a paſſage occurs, in which France does in effect declare war againſt all nations that did not adopt her principles, and allow the people to put them into execution.

In a conſpiracy, as widely extended as this is, I ſhall undoubtedly inſiſt, before you and the court, that the acts of individuals, and particularly the acts of perſons ſent to preſent addreſſes to a foreign country, that what they do in reference to theſe acts is evidence againſt all of them, and likewiſe that letters, which the perſons write relative to the ſame addreſſes, are evidence againſt each of them, whether written by the particular individual or no, as being in the proſecution of the ſame purpoſe. Upon the 20th of September, 1792, Mr. Froſt, who was then

at Paris, ſtates his notions in a letter to Mr. Tooke, of the real effect of this tranſaction of the 10th of Auguſt, 1792, about which time Mr. Paine made his firſt appearance in the National Convention—" Without the affair of the 10th of Auguſt, liberty " was over—We dine to-day with Petion—Paine has entered " his name on the roll of parliament, and went through the " forms of office with a great deal of non-chalance—We are " well lodged, and beſide our bed-rooms, have an entertaining " room for Members to be ſhewn into, and ſeveral have called " upon us this morning."

Then you will find, that there, being a project to ſend ſhoes to the ſoldiers of France, and arms and muſkets, with reſpect to which project the priſoner was a contributor—for the purpoſe of having this preſent from England to France properly diſtributed in France, the following letter is writen to the Mayor of Paris:

" Sir, you are in no want of friends in England, who ardent- " ly wiſh to be uſeful to French liberty; but we wiſh to " know ſome one of your friends who reſides in London, in " whom you have an entire confidence, and to whom we may " give our money, in the aſſurance that it will be remitted to " you without delay and without fraud. Mr. Froſt, to whom I " entruſt this letter, is going to ſet out immediately with Mr. " Paine for Paris, and allows me no time for ceremony, if it " were neceſſary. I requeſt you to ſend me the name of ſome " Frenchman in London, merchant, or other, for the purpoſe " above mentioned. We can now begin the public contribu- " tion towards our patriotic gift with a thouſand pounds ſter- " ling, and I have no doubt but it will amount in time to ſeveral " thouſands; if you conſider this ſtep in the ſame point of view " that we do, you will ſee in it much uſe to *the common cauſe* " in England and France. I intreat you to give me your ſenti- " ments upon the ſubject, and to point out to me the means by " which I may be uſeful to you."

This is anſwered upon the firſt of October by Petion, thus—" You cannot, Sir, doubt of my eagerneſs to ſecond views ſo

" uſeful,

" uſeful, which will for ever merit our gratitude, will rivet the " links of fraternity between us, and muſt produce the greateſt " advantages *to England and France.* I ſhall have the honour, " Sir, of ſending you, without delay, the name of the perſon in " whoſe hands you may place the funds which you deſtine to " the ſupport of a cauſe which, in truth, is that of all people " who cheriſh liberty."

Gentlemen, it may be in the recollection of perhaps moſt who now hear me, that circumſtances of this ſort, which were ſuppoſed to be in exiſtence, but which, in fact, were not capable of being proved to be in exiſtence, had excited in this country conſiderable alarm in the minds of many perſons who live in it—This alarm, it ſeems to have been thought neceſſary, both in the Conſtitutional Society, and alſo in the London Correſponding Society, in ſome degree to lay aſleep, as far as it affected them; they thought it neceſſary, therefore, to give ſome declaration, as they call it, of their principles, and I will ſtate to you ſhortly what that was—but the explanation, which the London Correſponding Society gave, was thought ſo little ſafe, though it was given for the purpoſe of laying aſleep alarms, that it will be diſtinctly proved to you—that being written, as I am inſtructed to ſtate to you (and I do it becauſe I am inſtructed, and it is my duty) being written by Mr. Vaughan, it was agreed to be ſtuck up round the town at midnight—that accordingly a perſon, of the name of Carter, a bill-ſticker, was employed for that purpoſe; that ſome miſtake happened between him and his employers; that having made that miſtake, he was not thought a proper perſon to be employed in conſiderable buſineſs in the Society afterwards: This perſon was taken up in the act of ſticking the bills round this town, which contains this addreſs—he was proſecuted—he was convicted—and lay ſix months in a gaol in conſequence of that conviction, and this was the fate that attended the iſſuing into the world an addreſs, which was to appear not originally by daylight, but by midnight.

With reſpect to the addreſs of the Conſtitutional Society, I think I ſhall not be thought to make an unfair obſervation upon

it when I ſay this—that if I had not read to you what I have already read, you would have found it impoſſible to ſay what it was, upon reading that paper, that they meant to ſay, who publiſhed it; but after what I have read to you, I think you can have no difficulty to determine that the paper they publiſhed, and the paper of the Correſponding Society, were by no means ſuch as were calculated in any manner to diſavow thoſe principles, which I think I have ſhewn you ſatisfactorily, from March, 1792, were the principles they acted upon and adopted.

Gentlemen, the addreſs of the London Correſponding Society is in theſe words:—"Friends and fellow countrymen, unleſs "we are greatly deceived, the time is approaching when the "object for which we ſtruggle is likely to come within our "reach; that a nation, like Britons, ſhould be free, it is re-"quiſite only that Britons ſhould will it to become ſo"—that is a paſſage borrowed from Mr. Paine—"that ſuch ſhould be "their will—the abuſes of our original conſtitution, and the "alarms of our ariſtocratic enemies, ſufficiently witneſs: Con-"ſident in the purity of our motives, and in the juſtice of our "cauſe, let us meet falſehood with proofs, and hypocriſy with "plainneſs; let us perſevere in declaring our principles, and "miſrepreſentation will meet its due reward—contempt.

"In this view the artifices of a late ariſtocratic aſſociation, "formed on the 20th inſtant, call for a few remarks on ac-"count of the declarations they have publiſhed, relative to "other clubs and ſocieties formed in this nation; it is true that "this meeting of gentlemen"—(for ſo they ſtile themſelves) "have mentioned no names, inſtanced no facts, quoted no au-"thorities"—it was a little difficult to do it, unleſs they had the means of ſeeing all the correſpondences at home and abroad—"but they take upon themſelves to aſſert that bodies of "their countrymen have been aſſociated, profeſſing opinions "favourable to the rights of man, to liberty and equality"—mark theſe expreſſions—"and moreover that theſe opinions "are conveyed in the term, *no King, no Parliament.*"

Gentlemen, what I have been endeavouring to ſtate to you is this, that it is neceſſarily to be inferred from their principles that

that they did mean to aſſert, when they were ripe for it, *no King, no Parliament:* it is not my imputation—I do not know whoſe it was, to which this alludes, that they did expreſs their opinion in *the language, no King, no Parliament*; but I ſay that they expreſſed their opinions in language, which, when accurately looked at, as forcibly import the ideas, as if they had uſed the words *no King, no Parliament*—"if this be intended to include "the ſocieties to which we reſpectively belong, we here, in the "moſt ſolemn manner, deny the latter part of the charge"—What is the latter part of the charge? that they do not mean to have a King or Parliament? No—but that the opinions are conveyed in the *terms, no King, no Parliament*—"whoever "ſhall attribute to us the expreſſions of *no King, no Parliament*, "or any deſign of invading the property of other men, is guilty "of a wilful, an impudent, and a malicious falſehood"—and then this paper ſtating a great deal more which, in juſtice to the paper itſelf, ſhall be read to you, concludes thus—"Let "us wait and watch the enſuing ſeſſion of Parliament, from "whom we have much to hope and little to fear. The Houſe "of Commons may have been the ſource of our calamity, it "may prove that of our deliverance; ſhould it not, we truſt we "ſhall not prove unworthy of our forefathers, whoſe exertions "in the cauſe of mankind ſo well deſerve our imitation."

Now, Gentlemen, I aſk, after concluding this letter, what this means—"if Parliament ſhould not do it."—If we are ready to admit that Parliament is formed upon principles that make it competent to do the thing, if it pleaſe to do it, it is all well; but if it won't—then we will not prove unworthy our forefathers, whoſe exertions in the cauſe of mankind ſo well deſerve our imitation—and referring you back to the correſpondence between the Norwich and the London Correſponding Society, to the declaration of the 6th of Auguſt, 1792, which ſaid they had nothing to look for from Parliament—to the correſpondence with the National Convention of France—to the conduct, which, in the preſence of their delegates, was permitted—and never repudiated by any act of the London Correſponding Society, and referring you, moreover, to the ſubſequent evidence, which

I have to offer to you, I think you will find that the ſentiment, which is expreſſed by the author of this paper, upon the 19th of November, 1792, was a ſentiment which, if followed up by thoſe who continue to hold it, meant that, if Parliament did not give them redreſs, they would have it by their own force.

With reſpect to the Conſtitutional Society, all it thinks proper to ſay upon the ſubject is this:—"That the object of this "Society, from its firſt inſtitution to the preſent moment of "alarm, has uniformly been to promote the welfare of the "people"—I beg your attention to theſe words—"has uni-"formly been to promote the welfare of the people by all con-"ſtitutional means."—Now if I were to ſtop here, with a view to ſhew you what you are to underſtand by the words—"all "conſtitutional means"—Are the means I have been ſtating conſtitutional means? Will it make the means more conſtitutional than they really are, becauſe they chooſe to call them ſo?—"And to expoſe in their true light the abuſes which have im-"perceptibly crept in, and at laſt grown to ſuch a height, as to "raiſe the moſt ſerious apprehenſions in every true friend of "the conſtitution."

"Reſolved, 2dly—That this Society diſclaims the idea of "wiſhing to effect a change in the preſent ſyſtem of things by "violence and public commotion, but that it truſts to the good "ſenſe of the people"—You will find, before I have done, that in April, 1793, it could not truſt to the good ſenſe of the people—"when they ſhall be fully enlightened on the ſubject to "procure without diſturbing the public tranquillity an effectual "and permanent reform.

"Reſolved, 3dly—That the intentions of this and ſimilar "Societies have of late been groſsly calumniated by thoſe who "are intereſted to perpetuate abuſes, and their agents, who "have been induſtrious to repreſent the Members of ſuch So-"cieties, as men of dangerous principles, wiſhing to deſtroy all "ſocial order, diſturb the ſtate of property, and introduce anar-"chy and confuſion inſtead of regular government.

"Reſolved, 4thly—That, in order to counteract the opera-"tion of ſuch groſs aſperſions, and to prevent them from check-

"ing

" ing the progreſs of liberal inquiry, it is at this time peculiarly " expedient that this and ſimilar Societies ſhould publicly aſſert " the rectitude of their principles.

" Reſolved—That the ſaid Reſolutions be adopted, in order " for printing in the newſpapers."

Now I deſire any perſon to read that paper through again, and then, Gentlemen of the Jury, if it is relied upon, be ſo good as aſk yourſelves what is the definite meaning in any one paſſage in it.

About the ſame time there is an addreſs from the Mancheſter Society, dated the 14th of December, 1792, which appears to have been read in the Conſtitutional Society, in the preſence of the priſoner, and which addreſs has ſome very particular circumſtances about it, for you will find that there was a reſolution upon the 14th of December, 1792, in theſe words—Read a printed addreſs from Mancheſter—Reſolved, that the ſaid addreſs be approved for publiſhing in the newſpapers.

It appears by a paper, which I ſhall produce to you, that the words *Read a printed addreſs from Mancheſter*, are in the hand-writing of Mr. Tooke; that the addreſs itſelf is in the hand-writing of Mr. Tooke; whether it was a copy of any addreſs at Mancheſter or not, I do not know: this addreſs appears afterwards to be in print, it is ſent for publication, and with a view to ſhew to the public what extent the diſtribution of libels has ariſen to in the progreſs of a treaſonable purpoſe in London, this addreſs was ordered to be printed, and that a hundred thouſand copies of it ſhould be diſtributed to their correſpondents in Great Britain and Ireland.—The report that was made upon it was, that it had been offered to the Morning Chronicle and Morning Poſt, and that the paper itſelf, though drawn by a maſterly hand, was ſuch, that they durſt not venture to print it—I believe it was however printed in London. You will occaſionally ſee papers printed in the country, at Mancheſter, if London will not do it; or if the law of England has reached as far as this ſide of the Tweed, ſo as to check the publication of a libel, then it is carried over the Tweed, in

order to be publiſhed in Scotland, where it might be more ſafely done.

Now in this paper, which bears date upon the 14th of December, 1792, and recollecting, as I hope you will do, what I have already ſtated to you of the principles of thoſe who were concerned in this tranſaction, as theſe principles had been manifeſted in all the other tranſactions I have ſtated to you, you will find there is this paſſage: He ſays—"To gull the poor with the "inſolent falſehood, that the laws are the ſame for the poor as "the rich, or with idle panegyrics on a rotten conſtitution, "which you have not examined, and of which you feel not the "benefit—The real friends of the people hear with pity and "bear with patience the hourly calumnies to which they are ex-"poſed; they entertain, however, no perſonal enmities, no "averſion, but to the enemies of the people, and no diſreſpect "to the conſtitution, but where it is hoſtile to the rights of "the people."

Now, why it is ſaid to be hoſtile to the rights of the people, I think, can be pretty well underſtood, after what I have ſtated to you about theſe communications with France; but it need not be left there, for you will find that this is more diſtinctly ſtated in the draught of an anſwer to a letter, which was likewiſe read and entered among the minutes of this Society upon the 26th of October 1792: the draught of the anſwer ſeems to have been prepared on the 2d November, 1792; it was to be ſent to the editors of the Patriot. The editors of the Patriot were perſons who were living at Sheffield; and it will appear by the papers, the ſubſtance of which I have not really bodily ſtrength enough to ſtate to you, were affiliated at the ſame time with the London Correſponding Society, and alſo with the Conſtitutional Society, in the propagation of their principles, and this in an extent, which no language can do juſtice to, which it is impoſſible to deſcribe to you without reading a particular letter in which they themſelves ſtate their mode of proceeding, and which, for the purpoſe of informing you in this reſpect, ſhall be preſently read to you: To one of them the following is an anſwer, and I beg your attention to it, of the 2d of November, 1792.

"We

"We rejoice with you in the increaſe of the Members of the "Societies of Freedom; our boſoms glow with the ſentiments— "we are brothers in affection with you, and with the freemen of "Stockport"—(who wrote that letter which I before obſerved upon, which ſtates that nothing can do but a Convention, and that their object is a government immediately conſtituted by the people; that that cannot be while the Crown or the Lords, as you chooſe to conſtrue the letter, retain their authority) —They add—"Freedom, though an infant, makes Herculean "efforts"—Now they meant nothing in the world to the prejudice of the monarchy, they meant nothing in the world but a full repreſentation of the People in a Parliament co-exiſting with King and Lords. They add—"The vipers, ariſtocracy," that is perſons who have got coats upon their backs—"and monar- "chy"—we have it yet in England, Gentlemen—"are panting "and writhing under its graſp: May ſucceſs, peace, and happi- "neſs, attend thoſe efforts."—That letter, ſo prepared, will be produced to you with the corrections of Mr. Horne Tooke, in his own hand.

Gentlemen, I have now gone through, as well as I am able, and I hope you will keep in view the caſe I have ſtated, the principles and practices of theſe Societies, with all their affiliations. I ought to mention to you that you will find in the evidence, as it is laid before you, moſt uncommon induſtry in picking up freſh connections. If a paper appeared in the country, ſtating that a Society of any ſort was formed, you will find immediate induſtry to connect them, and affiliate them with the London Correſponding and Conſtitutional Societies. If theſe Societies profeſſed— as for inſtance the Stockport Society profeſſed—that they would have nothing but a government conſtituted immediately by themſelves, they contrive to give an anſwer ſatisfactory to them. If the Societies profeſſed attachment to the monarchy, and deſired explanation whether they meant Mr. Pitt's plan, which Mr. Paine laughs at—or whether they meant the Duke of Richmond's plan—or whether they meant, as a letter you will hear by and by ſays, to rip up monarchy by the roots, you will find they ſatisfied them all ſufficiently to enliſt them all for that purpoſe which,

which, from their own tranſactions, I ſtate to be neither more nor leſs, than to do, what Mr. Paine did in his book, to combine the principles, which they ſtated, when the times were ripe for it, with the practices which were correſpondent with thoſe principles; to apply thoſe principles, which were alike the principles of theſe Societies and of the French Conſtitution of 1791, and which Mr. Paine, Mr. Barlow, and thoſe addreſſers to the Convention, receiving ſuch anſwers from the Convention in 1792, declared had produced a conſtitution in France upon the 10th of Auguſt 1792, to apply them not to form that, which in its nature is an abſurdity, a Royal Democracy, but that, which upon principle is conſiſtent, though it is a wretched bad government, *a Repreſentative government*, to be exchanged here in lieu of our limited monarchy, in lieu of our government, under which I ſtate it, with a defiance to the world to tell me that I do not ſtate it truly, that a people never did enjoy, ſince the providence of God made us a people, (you may talk about theories as you pleaſe) that they never did enjoy, for ſo long a time together, ſuch a quantum of actual private happineſs and private proſperity, public happineſs and public proſperity, under any conſtitution, as we have enjoyed under the conſtitution, to the deſtruction or the ſupport of which it is for you to judge whether ſuch means, as I have been ſtating to you, were deſigned to be employed.

The next thing that was to be done, was to go on in ſtrengthening themſelves by affiliation; and you will find accordingly that they have connections at Norwich, Sheffield, Leeds, and other places: indeed, there was hardly a county, in which they had not affiliated Societies, and, if you believe them, to great numbers.

The next ſtep they took was, not that they ſhould have it accompliſhed—their principles would not let them accompliſh it—but it was for the purpoſe of attaching more and more affiliated Societies, that they began now to think, in the year 1793, of making applications to Parliament. Gentlemen, in the courſe of that year, 1793, whilſt they are to make applications to Parliament, you will find that they diſtinctly diſcuſs the utility of doing ſo. The London Correſponding Society, it will be proved

to

to you, take the opinion of the Societies in the country with reſpect to three diſtinct propoſitions. Mark this.

Now, Gentlemen, in September 1792, the Stockport Society told the London Correſponding Society that there was no hope of doing any thing but in a *Convention*: the London Correſponding Society give the anſwer that I have before ſtated. They begun to think of this thing called a Convention in the beginning of the year 1793, and they propoſe having communication, on the other hand, from the Country Societies. They ſtate three propoſitions—what is it we are to do?—Are we to make an application to Parliament?—Are we to make an application to the King?—That would have been to make application to the King that he would be graciouſly pleaſed, according to the oath which he takes upon his coronation, to give his conſent to meaſures, which were to deſtroy the government of the country, as it exiſts, and of himſelf as a part of it! Or are we to have a Convention? You will find, when the whole of the evidence is laid before you, there is a vaſt deal of diſcuſſion about this meaſure of a Convention, there is a vaſt deal of diſcuſſion about applying to Parliament. The application to the King is thought futile without more; but they come to this determination, that things are not yet ripe: but that the application to Parliament, however, may be one means of ripening that, is not yet mature; and then ſoliciting petitions from all parts of the kingdom, telling thoſe, from whom they aſk them, that they do not mean that they ſhould have any effect, that they are all waſte paper, canvaſſing all parts of the kingdom, and getting ſignatures in the way you will find, they ſend the petitions to Parliament, which, for myſelf and my poſterity, I thank God Parliament did not attend to; I mean petitions to introduce a change in the Government upon the principle of annual ſuffrage and univerſal repreſentation.

They determined for the preſent that they would content themſelves with petitions: that this would occaſion a great deal of debate: that that would give them a vaſt variety of opportunities of diſcuſſing the point they had had in agitation ſince 1792; and, if the public mind was not ripe for a Convention in 1793, the

proceedings and tranſactions of 1793 had a natural and an obvious tendency, when theſe tranſactions were made a proper uſe of, to bring to maturity the project, not yet come to maturity: you will find therefore that both the London Correſponding Society and the Society for Conſtitutional Information keep this object in view.

The Norwich Society, upon the 5th of March 1793, write thus to the Society for Conſtitutional Information, and which you will ſee had held correſpondence alſo with the London Correſponding Society upon the ſubject of the ſame propoſition: "It "is with peculiar ſatisfaction that we are favoured with your "correſpondence,"—they firſt ſay.—"We wiſh to find out a "method of redreſs; *at preſent* we ſee a great propriety in "univerſal ſuffrage and annual elections; but we beg you will be "obliging enough to inform us of what you have collected of the "ſenſe of the people by your correſpondence: we have to in- "form you that our worthy Correſponding Societies of London "have recently ſubmitted three propoſitions for our inveſtiga- "tion; firſt, whether *a petition to Parliament*, or *an addreſs to* "*the King*, or *a Convention*."

When I find here the word Convention, I think I may addreſs this queſtion to you as men of common ſenſe: If in Auguſt 1792 the London Correſponding Society, by the addreſs which I have read to you, have told you diſtinctly that they cannot get any redreſs from Parliament, is it not marvellous how it is to be made out in argument that in March 1793 they were to have a Convention in order to get it from Parliament, and more particularly to get it from that Parliament, which, upon their own principles, *was not competent to give it*, if they had a mind to take it from Parliament?

"Permit us briefly to ſtate our views for your reviſal; and, "with reſpect to the firſt, we behold we are a conquered people; "we have tamely ſubmitted to the galling yoke, and reſiſtance *in* "*the preſent circumſtances* is vain; we cannot, we cannot act the "man; and, as neceſſity has no law, we think ourſelves under "that degrading neceſſity to ſtate our grievances to the Houſe of "Commons with a requeſt for redreſs; and ſhould they refuſe"—

which they did—" to grant our reaſonable petition, we have " ſtill got (no thanks to them)"—here is an accurate, a ſhort deſcription of the affiliated Societies—" a formidable engine, " that will convey the inſult to the remoteſt parts of the king- " dom: as to the propriety of the ſecond, we wiſh to ſubmit " to your ſuperior judgment, and ſhould eſteem it a favour to be " informed of the reſult; for at preſent we are dubious of its good " conſequences. Laſtly, *a Convention*; and oh! that the period " were arrived; but, in the preſent ſtate of affairs, alas! it is " impracticable: yet *this* is the object we purſue, and eſteem any " other means only in ſubordination to, and as having a tendency " to accompliſh that deſirable end.

" We wiſh to be in uniſon with our brethren and fellow-la- " bourers, and ſhould be glad of any information, as ſoon as it is " convenient; and we beg your advice whether it is neceſſary, " as ſoon as poſſible, to collect ſignatures to a petition *for a real* " *repreſentation of the people?*"

This letter of the 5th March 1793, having been received from Norwich, you will find that Mr. Froſt, who had then lately come from France, and was about that time, I believe, talking of no King in this country, in which it is not yet quite lawful to ſay ſo, was thought an extremely proper perſon to draw up a letter in anſwer to this; and accordingly it is ſtated upon the books of the Society, that Mr. Froſt was ordered to prepare that anſwer: however, it got into abler hands; for, unleſs I am again miſ-inſtructed, it was ſettled by counſel, and the ſubſtance I will now read to you. It is dated the 16th of April 1793: " From " the Secretary of the Society for Conſtitutional Information to " the Secretary of the United Political Socities at Norwich.—We " have to acknowledge with great ſatisfaction the letter which you " favoured us with, dated the 5th inſtant, relative to the moſt de- " ſirable of all other objects, the reform of a parliamentary repreſen- " tation. The honour you do us in ſuppoſing that we are better " fitted than yourſelves for the promotion of political knowledge, " we muſt diſclaim, becauſe we obſerve, with the greateſt pleaſure, " that our country correſpondents have too much zeal and infor- " mation to want ſucceſs in their public endeavours, whether

" at

" at Norwich, at Sheffield, at Manchester, or elsewhere, " throughout the nation. In our sincerity for the good of our " country we trust that we are all equal, and, as such, we doubt " not of our ultimate success.

" We see with sorrow the existence of those evils, which you " so justly represent as the streams of corruption overflowing this " once free and prosperous country. We see with surprise and " abhorrence that men are to be found, both able and willing to " support those corruptions. It is, however, no small consolation " to find that others are not wanting in every point of the nation " of an opposite character, who are ready to remedy, by all lau- " dable and honourable means, the defect in our representation, " the usurped extension of the duration of Parliaments, and other " grievances, such as you notice in your letter.

" That the constitution of England has no more of that cha- " racter it once possessed; that the supposed democracy of the " country has become a matter of property and privilege; and " that we have therefore no longer that mixed government, " which our adversaries are praising, when they know it is no " longer in our possession, are facts notorious and indisputable: " Where then are we to look for the remedy?"—most assuredly those who had said on the 6th of August 1792 they would not look to Parliament, would not be so inconsistent as to say that they would look to it in April 1793—" to that Parliament of " which we complain? to the Executive power, which is impli- " citly obeyed, if not anticipated in that Parliament? or to our- " selves?"

Now, who are ourselves? why, those affiliated Societies! " our- " selves represented in some meeting of delegates for the extensive " purpose of reform, which we suppose you understand by the " term *Convention*." The Norwich Society writes to the Constitutional Society, and it proposes a Convention as the only means of doing this business. The Constitutional Society states that it is to be done only in a Convention,—of what? of themselves. Why then, I say, upon the 16th of April 1793, the Constitutional Society construed the acts of the 20th of January 1794, which I shall allude to presently, and the 27th of March 1794, because

because the Conſtitutional Society ſaid that a Convention was a convention of themſelves, repreſented in ſome meeting of delegates,—and for what purpoſe? for the extenſive purpoſes of reform;—how? by applying to Parliament? No. Why this paſſage ſtates expreſsly that the reaſon why they would have a Convention was, becauſe they would not apply to Parliament, and can I impute to men of underſtanding, that are employed in this buſineſs, for there are men of underſtanding enough employed in this buſineſs, whether that underſtanding is properly employed in this buſineſs is not for me to ſay any thing about, can I impute any thing ſo abſurd to men of underſtanding as that they meant to form a Convention, which Convention ſhould carry their petition to Parliament?

"It is the end of each of theſe propoſitions that we ought to "look to; and, as ſucceſs in a good cauſe muſt be the effect of "perſeverance and the riſing reaſon of the time, let us determine "with coolneſs, but let us perſevere with deciſion. As to *a* "*Convention*, we regard it as a plan the moſt deſirable and moſt "practicable;"—when? ſo ſoon as the great body of the people ſhall be virtuous enough to join us in the attempt? No—but "ſo ſoon as the great body of the people ſhall be *courageous and* "*virtuous* enough to join us in the attempt." You will ſee whether the interpretation, which I give of the word "courageous" by the manner in which I mean to expreſs it, is due to it or not, by what I have to ſtate to you.

Gentlemen of the Jury, with a view to explain this thing called a Convention, as contra-diſtinguiſhed from parliament, give me leave to carry back your attention for a moment to January 25, 1793. In this Society, which, in November 1792, had the correſpondence with France, which I ſtated, in January 1793, when we were on the eve of a war, and upon the eve of a war which had been produced by the principles which brought fraternization into this country, and took place ſoon after that decree of November 1792, you will find that theſe reſolutions were come to—"That Citizen St. André, a member of the National Con-"vention of France,"—that Convention which had depoſed a King, as that which could not exiſt in a government, formed upon

upon the principles of the rights of man, as diſcloſed by Mr. Paine, his fellow-member in that Convention,—" as one of the " moſt judicious and enlightened friends of human liberty, be " admitted an aſſociated honorary member of this Society." " Reſolved, That Citizen Barrére, a member of the National " Convention of France, being conſidered by us as one of the " moſt judicious and enlightened friends of human liberty, be " admitted an aſſociated honorary member of this Society.

" Roſolved, That Citizen Roland, being alſo conſidered by us " as one of the moſt judicious and enlightened friends of human " liberty, be admitted an aſſociated honorary member.

" That the ſpeeches"—Gentlemen, I particularly requeſt your attention to this—" that the ſpeeches of Citizen St. André " and Citizen Barrére, aſſociated honorary members of this So- " ciety, as given in the Gazette Nationale ou Moniteur univer- " ſelle of Paris on the 4th, 6th, and 7th of January 1793, be " inſerted in the books of this Society;"—and, as far as this Society could effectuate it, they endeavoured alſo to have theſe reſolutions publiſhed in the newſpapers, and it will be in proof to you that, in the books of the Society, it is reſolved that each of theſe reſolutions ſhould be ſo publiſhed.

Now, Gentlemen, I ſhall prove to you, by evidence completely effectual for that purpoſe, what theſe ſpeeches were, and then, if you will be ſo good as to aſk yourſelves what the Conſtitutional Society, which in January and February ordered theſe ſpeeches to be publiſhed, meant by *a Convention* in that letter of the 16th of April 1793, you will judge whether that Convention was to be the means (becauſe they would neither apply to the King, the executive power, nor to the Parliament), was to be the means of handing their application to Parliament; or whether, on the other hand, it was to be the means of introducing by its own force a *Repreſentative Government* in this country; that aſſembly, which, you will find, they inſiſt would for the time abſorb all the powers of government, which, if it did exiſt, would delegate its legiſlative power only ſo long as they chooſe to delegate it, a body competent to create a legiſlature, and poſſeſſing within itſelf an eternal power of reform, an eternal ſource of revolution.

With

With reſpect to St. André, ſpeaking to the Convention, he ſays, " your right to decide the fate of Kings ariſes from your " being a Revolutionary Aſſembly, created by the nation"—a Revolutionary Aſſembly created by the nation in ſuch a ſtate is at leaſt that thing, which I think no good Engliſhman ever will wiſh to exiſt to ſee—" a Revolutionary Aſſembly created by the " nation in a ſtate of inſurrection."

Speaking of the trial of the King of France, they ſay, " this " proceeding is of the higheſt importance to public order, abſo- " lutely neceſſary to the exiſtence of liberty, and connected with " whatever is held moſt ſacred by the nation."

" The people of Paris"—this is upon the queſtion whether the perſon of the King be inviolable, a maxim unqueſtionably true in the conſtitution of this country, a maxim perfectly conſiſtent with the civil liberties of the people, becauſe, though the King's perſon is inviolable, he has adviſers, who are violable as to every act that he does.—" The people of Paris, by making an " holy inſurrection againſt the King on the 10th of Auguſt,"—that 10th of Auguſt, which, in Mr. Froſt's letter to Mr. Tooke, was abſolutely neceſſary to the exiſtence of liberty in France—" deprived him of his character of inviolability. The people of " the other departments applauded this inſurrection, and adopted " the conſequence of it. The people have therefore formally " interpoſed to deſtroy this royal inviolability. The tacit " conſent of the people rendered the perſon of the King " inviolable, the act of inſurrection"—I pray heaven defend us from the operation of ſuch principles in this country—" the act " of inſurrection was a tacit repeal of that conſent, and was " founded on the ſame grounds of law as the conſent itſelf: the " King's perſon is inviolable only with relation to the other " branches of the legiſlature, but not with relation to the people."

Now, I aſk what did thoſe Gentlemen, who ordered this ſpeech to be publiſhed, that the King's perſon was inviolable only with relation to the other branches of the legiſlature, when they were talking of conventions, mean? I am ſorry to ſay that my mind is drawn to the concluſion that they thought the King's perſon was not inviolable with relation to the people, a conven-

tion of whom was to be formed, and was to be formed becauſe an application to Parliament was uſeleſs.

Now, let us ſee the deſcription of a Convention. "A Con-
" vention differs from an ordinary legiſlature in this reſpect: a
" legiſlature is only a ſpecies of ſuperintending magiſtracy, a mo-
" derator of the powers of government: a Convention is a per-
" fect repreſentation of the ſovereign: the members of the Le-
" giſlative Aſſembly acted in Auguſt upon theſe principles, in
" ſummoning the Convention; they declare"—preciſely as is de-clared in the letter I have been reading to you—" that they ſaw
" but one meaſure which could ſave France, namely, to have re-
" courſe to the ſupreme will of the people, and to invite the
" people to exerciſe immediately that unalienable right of ſove-
" reignty, which the conſtitution had acknowledged, and which
" it could not ſubject to any reſtriction: the public intereſt re-
" quired that the people ſhould manifeſt their will by the elec-
" tion of a National Convention, formed of repreſentatives in-
" veſted by the people with unlimited powers. The people did
" manifeſt their will by the election of that Convention. The
" Convention being aſſembled is itſelf that ſovereign will, which
" ought to prevail. It would be contrary to every principle to
" ſuppoſe that the Convention is not alone excluſively the ex-
" preſſion of the general will.

" The powers of the Convention muſt, from the very nature
" of the aſſembly, be unlimited with reſpect to every meaſure of
" general ſafety, ſuch as the execution of a tyrant. It is no
" longer a convention, if it has not power to judge the King: a
" Convention is a Conſtituent Body, i. e. a body that is to make
" a conſtitution for the people; a legiſlature makes laws under
" an eſtabliſhed conſtitution, and in conformity to it. It is deſ-
" potiſm when, in the ordinary and permanent eſtabliſhment of
" a ſtate, there is no ſeparation of powers; but it is of the very
" eſſence of a Conſtituent Body to concentre for the time all au-
" thority, it is the very nature of a National Convention to be
" the temporary image of the nation, to unite in itſelf all the
" power of the ſtate, to employ them againſt the enemies of
" liberty, and to diſtribute them in a new ſocial compact called a
" conſtitution."

Gentlemen,

Gentlemen, after I have ſtated that to you, I think I cannot poſſibly be miſtaken when I conceive that you can do no otherwiſe than put the ſame conſtruction upon this letter which I did.

I will now take the liberty of calling your attention to a letter of the 17th of May 1793, and the anſwer of the 26th May 1793, paſſing over a great many letters, the ſubſtance of which you will inform yourſelves of by having them read, namely, letters that prove affiliations ſolicited and granted to Leeds, Tewkeſbury, Coventry, and many places in the kingdom, more numerous than I apprehend you will believe, till you ſee what the number of them is, by evidence, actually before you.

Gentlemen, I beg leave now to call your attention, in order of time, to a letter of the 17th May 1793, for it begins a correſpondence moſt exceſſively material with that part of the country in which the Convention has been already held; I mean Scotland, a Convention which I think I ſhall ſatisfy you did, for the time, act upon the principles that I have ſtated to you, from the ſpeech of Barrére, as far as it could act, and in which I think at the moment that I addreſs you, if it had not been ſtopped in the execution of its purpoſes, and had been joined by thoſe whoſe acts we are conſidering at this day, you might have ſeen, in the ſpeeches of a National Convention in Great Britain, a repetition of the language of Barrére, inſtead of hearing it from me in a court of juſtice.

Gentlemen, I hold it, in the office that I fill, to be due to the adminiſtration of the juſtice of this country, to ſay diſtinctly, if I underſtand the caſe upon which certain perſons were tried for the acts which they did in Scotland, that, if they had been tried for high treaſon, they would have had no right to complain: no right to complain if the queſtion upon their conduct had been agitated in that ſhape before a Jury of the country.

Gentlemen, upon the 17th of May, a Mr. Urquhart going from London, Mr. Hardy, and a perſon of the name of Margarot, celebrated in the future hiſtory of this buſineſs, join, and write a letter—parliament had, as they expected it would, and as they meant it ſhould, rejected their petition—"The London "Correſponding Society eagerly ſeizes the opportunity of Mr.

" Urquhart going back to Edinburgh, to requeſt of your Society " a renewal of correſpondence, and a more intimate co-operation " in that which both Societies alike ſeek, viz. a reform in the par- " liamentary repreſentation. We are very ſenſible that no Society " can by itſelf bring about that deſirable end; let us, therefore, " unite as much as poſſible, not only with each other, but with " every other Society throughout the nation. Our petitions " you will have learned have been all of them unſucceſsful: our " attention muſt now, therefore, be turned to ſome more effec- " tual means; from your Society we would willingly learn " them, and you, on your part, may depend upon our adopting the " firmeſt meaſures, provided they are conſtitutional, and we hope " the country will not be behindhand with us."

Now, by " conſtitutional meaſures" it is clear that they meant that *a Convention*, as contra-diſtinguiſhed from a Parliament, would be conſtitutional: it is clear they meant it, becauſe they have ſaid it.

Then Mr. Skirving writes thus—" Mr. Urquhart did me " the pleaſure to call on Thurſday afternoon, and delivered your " letter of the 17th inſt. I am much pleaſed with the contents " of it, and ſhall lay it before the firſt meeting of our ſocieties " here, which, however, does not take place till Monday " ſevennight. I would have acknowledged the receipt of your " favour by yeſterday's poſt, but was too much employed in re- " moving our houſhold to another lodging to attend to any thing " elſe." Now I beg your attention to this, becauſe you will ſee in the tranſactions of the people in convention in Edinburgh, that they looked to what they were to do in caſe of a rebellion as well as any other.

" If either you in England or we in Scotland ſhould attempt, " ſeparately, the reform which we, I truſt, ſeek to obtain, we " ſhould, by ſo doing, only expoſe our weakneſs, and manifeſt " our ignorance of the corruption, which oppoſes our important " undertaking: if we ſought only the extirpation of one ſet of " intereſted men from the management of national affairs, that " place might be given to another ſet; without affecting the " vitals adverſe to the ſyſtem of reform, theſe might be eaſily

" accom-

" accompliſhed, but to cut up deep and wide rooted prejudices,
" to give effectual energy to the dictates of truth in favour of
" public virtue and national proſperity, in oppoſition to ſelf and
" all its intereſted habits, and to withſtand and overawe the
" final efforts of the powers of darkneſs, is the work of the
" whole and not of a part; a work to which mankind till this
" awful period were never adequate, becauſe never till now diſ-
" poſed to fraternize, not merely or only, I truſt, from the
" ſenſe of the common danger to which we are expoſed, but
" from the ennobling principle of univerſal benevolence.

" I know no greater ſervice that I can do my country, than
" to promote the union you ſo wiſely deſire; and I am happy to
" aſſure you, that I have hitherto diſcovered no ſentiment in
" our aſſociation, adverſe to the moſt intimate and brotherly
" union with the aſſociations in England.

" I think the minds of all muſt in the nature of things be
" now turned to *more effectual means of reform* Not one per-
" ſon was convinced of the neceſſity of it by the moſt convincing
" arguments of reaſon, together with the moſt unequivocal ex-
" preſſions of univerſal deſire. What then is to be hoped for
" from repetition? I am only afraid that the bow in England
" againſt reform was ſo contracted that in returning it may break.
" You would willingly learn, you ſay, from us—I own that we
" ought to be forward in this: we have at once in great wiſdom
" perfected our plan of organization, and if we were in the ſame
" independant ſtate of mind as the people of England, we would
" be able to take the lead—the aſſociations with you are no
" more, I fear—excuſe my freedom—than an ariſtocracy for
" the good of the people: they are indeed moderate, firm, and
" virtuous, and better cannot be; but we are the people them-
" ſelves, and we are the firſt to ſhew that the people can both
" judge and reſolve, if undirected by faction, with both wiſdom
" and moderation.

" I have not a higher wiſh in the preſent exertions for re-
" form than to ſee the people univerſally and regularly aſſo-
" ciated, becauſe I am perſuaded that the preſent diſaſtrous en-

" gagements will iſſue in ruin, and the people then muſt provide
" for themſelves, and it would be unhappy, when we ſhould be
" ready to act with unanimity, to be occupied about organiza-
" tion, without which however anarchy muſt enſue—we will
" not need but to be prepared for the event—to ſtand ſtill and ſee
" the ſalvation of the Lord—let us therefore take the hint given
" us by our oppoſers, let us begin in earneſt to make up our
" minds relative to the extent of reform, which we ought to ſeek,
" be prepared to juſtify it, and to controvert objections; let us
" model the whole in the public mind, let us provide every
" ſtake and ſtay of the tabernacle which we would erect, ſo
" that, when the tabernacles of oppreſſion in the palaces of am-
" bition are broken down, under the madneſs and folly of their
" ſupporters, we may then without anarchy and all dangerous
" delay erect at once our tabernacle of righteouſneſs, and may
" the Lord himſelf be in it."

Gentlemen, theſe are things all very eaſy to be underſtood.

" How hurtful to the feelings of a reflecting mind, to look
" back to the wretched ſtate in which the Roman monarchy,
" enfeebled and broken by its own corruptions, left the nations,
" which it ſubjected, like ſheep without a ſhepherd; they ſoon
" became a prey to every invader, becauſe there was none to
" gather and unite them; had they, foreſeeing the evil, aſſo-
" ciated for mutual defence, no robber would have been able
" to enſlave them, they would have given laws to all parties, as
" well as to themſelves; all ſeparate colonies and nations would
" have ſought their alliance; but not having virtue to aſſociate,
" and heal the diviſions, and root out the ſelfiſh ſpirit, which
" ambition foſtering governments procure to their ſubjects, they
" fell under oppreſſions from under whoſe iron ſceptre they have
" never yet been able to deliver themſelves.

" We may ſuppoſe an event, which we deprecate; nay,
" ſhould we not be prepared for every poſſible iſſue of the preſent
" unprecedented diviſions of mankind, we have a right to be appre-
" henſive of the abilities of our own managers, who are ſo afraid
" to depart from precedent, that, like men of detail, they may be
" inadequate

" inadequate to the task of preserving the vessel from shipwreck,
" now grappling with danger not only great, but new and un-
" common. If the present ministry fail, who after them shall
" be trusted? It requires little penetration to see the anarchy and
" discord which will follow; it will be such, that nothing short
" of a general union among the people themselves, will be able to
" heal: haste therefore to associate, at least to be ready to associate;
" if then, such a broken state of things should take place, the civil
" broils that would necessarily ensue, would soon subside before
" the united irresistible voice of the whole. Do not, I entreat
" you, hesitate thinking such a work premature as yet,"—this is written in May, 1793,—" but a *month*, and then it may be
" too late; a malignant party may be already formed, and only
" waiting for the halting of the present managers; it will then
" be too late to seek to subject to deliberation, after a party has
" dared the act of rebellion. If you go no further than separate
" meetings in different towns, we will not be able to confide in
" your confraternity, because while in such a state you may be but
" the tools of a faction; we could have all confidence and unite
" with all affection in *one assembly of commissioners* from all
" countries of the world."

Gentlemen, observe that expression; this letter, in the beginning of it, speaking with reference to the war, does not know but the palaces of ambition may be all over set; the pillars will tumble with their supporters. Then it says, " we could
" have all confidence and unite with all affection in *one assem-*
" *bly of commissioners* from all countries of the world, if we
" knew they were chosen by the unbiassed voice of the people,
" because they would come up with the same disinterested views
" and desires as ourselves, having all agreed to a common
" centre of union and interest; but we could not confide in
" fellow citizens, who kept aloof from such union, and would
" not previously affiliate in one great and indivisible family."

Gentlemen, I have before told you, that there was a society at Birmingham. Upon the 10th of June, 1793, the London Corresponding Society writes to that society in these terms. " It is

" with ſingular ſatisfaction the Committee of the London Cor-
" reſponding Society received your letter; they are very glad to
" ſee the ſpirit of freedom ſpringing up in Birmingham, and they
" make no doubt but that the zeal of your ſociety and the increaſe
" of your numbers will ſoon do away the ſtigma thrown on your
" town by the unjuſtifiable behaviour of a Church and King
" mob; we are entirely of your opinion with regard to the ne-
" ceſſity *of a general union*, and we believe, as you do, that
" when once the country ſhall have ſo united,"—what then?—
" *the Nerocs of the day will be forced to yield to the juſt de-*
" *mand of a long and ſore oppreſſed people.*"

Gentlemen, the political ſocieties at Norwich alſo write to the London Correſponding Society with reſpect to this Convention upon the 25th of June, 1793, in which they ſay, " we " alſo received your friendly letter prior to that wherein you " ſtated three propoſitions: firſt, a petition to his Majeſty, or " to Parliament, or a National Convention; and ordered one of " our Committee to anſwer it; ſhould be glad if you will in-" form me whether it was attended to. I gave my opinion on " the ſubject to the Conſtitutional Society of London, and " found their ideas congenial to my own,"—that alludes to the letter they wrote him,—" viz. an addreſs to the King—futile—" a petition to Parliament, (as a conquered people,)—tolerable, " a National Convention (if circumſtances admitted) beſt of " all."

Gentlemen, you will find that upon the 28th of June, 1793, whilſt theſe ſocieties were holding ſo much correſpondence with reſpect to this National Convention, as the only effectual means, it was thought an addreſs to the nation ſhould be prepared: that is not immaterial, becauſe, you will find afterwards, that the project of a National Convention in Scotland was thought by many of the members of it, and many of the members of thoſe bodies, to have failed for want of ſuch a previous addreſs to the nation, and upon this occaſion two gentlemen are brought together, I do not know whether one of them at that time was a member of the Society or not, but two members are brought together, Mr. Horne Tooke and a perſon of the name of York, who,

you

you will find, was a delegate to the Convention in Scotland, and who you will find has acted a conſiderable part in other parts of this country, were to be employed in preparing that addreſs.

Upon the 6th of July, 1793, a letter having been received from the political ſocieties at Norwich, the anſwer ſigned by the priſoner at the bar is given in theſe terms.

" Fellow Citizens, The London Correſponding Society have " received, and read with pleaſure, your letter of the 25th of " June, but the anſwer, which you mention to have been made " to our three queſtions, has not yet come to hand: we ſhall " be glad to be informed by your next whether it was ever put " in the Poſt Office.

" With regard to the queſtions themſelves, however indivi- " duals may have made up their minds on them, the public " ſeemed moſt to approve the mode of petitioning parliament."

Then it ſtates the effect of the petitions. " Exhorting you " therefore to throw aſide all unavailing complaint, we wiſh " you to occupy yourſelves in inſtructing the people, in intro- " ducing and maintaining order and regularity in your own " ſociety, and in forming a junction with all others aſſociated " for the ſame purpoſe throughout the nation, by keeping up a " conſtant correſpondence with them; but, above all, *orderly* " *and courageouſly preparing yourſelf for the event*,"—now mark the event,—" for, *as it is natural to ſuppoſe that thoſe, who now* " *prey on the public, will not willingly yield up their enjoyments,* " *nor re-poſſeſs us of our rights without a ſtruggle, which by their* " *behaviour in Ireland*,"—that alludes to the bill in Ireland to prevent a Convention,—" *we have ſome reaſon to think they are me-* " *ditating, and perhaps may intend to effect by means of thoſe very* " *foreign mercenaries, who are now paid by the ſweat of our brow,* " *and whom under ſome plauſible pretence it would be no difficult* " *matter to land on our ſhore; it may be more advantageous to hu-* " *manity to ſhew them at firſt that their opponents are neither mob nor* " *rabble, but an indignant oppreſſed people, in whom is not yet en-* " *tirely extinct the valour of their forefathers*."

Gentlemen,

Gentlemen, in a letter to Hertford, which is written by the ſame Correſponding Society upon the 31ſt of July, 1793, and which ſociety at Hertford had deſired to know their principles, they ſtate themſelves in the ſame manner;—" We receive with " pleaſure your aſſurance of co-operating with us for a Re- " form in Parliament, an object to which all our endeavours " tend, and on which our hearts are invariably fixed, but as " your declaration that you will not pledge yourſelves to de- " mand univerſal ſuffrage and annual parliaments, is followed " by no ſpecific plan of reform of your own, we are under ſome " difficulty how to conclude; perhaps, as *ſtrangers, you write to* " *us with that prudent reſerve*, which is ſometimes neceſſary, and " that idea receives ſtrength from your appearing afterwards con- " vinced that the common object of the two ſocieties is the " ſame, which we readily admit; but, as mutual confidence is " the baſis of union, and the only rational pledge and ſupport " for co-operative exertion, we truſt your next will do away " every difficulty.

" With reſpect to univerſal ſuffrage and annual parliaments, " a mature conviction of their juſtice and neceſſity for the pre- " ſervation of liberty and proſperity to the great body of the " people, and for ſecuring the independence of parliament, was our " primary inducement to aſſociate. We therefore candidly aſ- " ſure you, that theſe our principles, as already announced to " the public, remain immutable, unconnected with any party " whatever; we can conſider no reform radical, but ſuch as " will enable every individual of the community to enjoy the " advantages thereof equally with ourſelves, for, if ignorance of " the nature of government, or the merits of the candidates, be " an argument againſt univerſal ſuffrage, as our opponents pre- " tend, the ſame reaſons would equally incapacitate a great ma- " jority of thoſe, who now enjoy that privilege to the excluſion " of very many thouſands, much better informed than them- " ſelves, not to mention that, under a more equallized mode " of government, the people would be at once induced and im- " powered to improve themſelves in uſeful knowledge. In a " word, we know no principle, conſiſtent with juſtice or reaſon,

" reaſon, by which we could exclude conſcientiouſly any part of " the community from an equality of rights and privileges, which " every member of ſociety, as he contributes to its ſupport, ought " equally to enjoy.

" With reſpect to annual parliaments, we will juſt remark, " that good members may be re-elected, whilſt twelve months " we think fully ſufficient for the welfare of millions to remain " at the mercy of a bad repreſentative. Having thus unequi- " vocally ſtated our principles, we ſhall conclude by obſerving " that the bill juſt paſſed in Ireland is of a nature to awaken the " jealouſy of every friend to freedom and humanity—will render " every exertion juſtifiable, ſhould a ſimilar attack upon conſti- " tutional freedom be attempted here."

In October, 1793, the Scotch Convention having met, of which we have all of us heard ſo much out of this place, you will find that a letter had been received from a Mr. Sinclair, together with an addreſs from Skirving, who was ſecretary to the Convention and Friends of the people in Scotland, by the London Conſtitutional Society; an extraordinary meeting of the ſociety was therefore called at the Crown and Anchor to conſider the utility and propriety of ſending delegates to a Convention of delegates of the different ſocieties in Great Britain, at Edinburgh, for the purpoſe of obtaining a parliamentary reform.

Upon the 28th of October, 1793, this ſociety came to a reſolution to ſend delegates to that convention, and the two perſons elected were Mr. Sinclair and Mr. Yorke; and perhaps one cannot ſtate a more ſtriking inſtance of the extraordinary power of a ſmall ſociety, affiliating itſelf with ſocieties, ſpread all over the whole kingdom, than by ſtating that Sinclair, who was deputed from this ſociety, meeting with other delegates in Scotland, had no difficulty of aſſuming with others the title of a delegate to the Britiſh Convention—to aſſert their right to do acts in contradiction to the legiſlature—than by telling you that this Yorke and Sinclair were deputed from this ſociety by a poll, in which he, who had the majority, had ſeventeen votes only; Mr. Yorke and Mr. Sinclair are accordingly ſent down, and they go with all the delegation of the power of the people, which this Conſtitutional Society,

Society, thus affiliated, could give them, and what they thought it was you will ſee preſently.—The London Correſponding Society was not to be backward in forming this Convention in Scotland—and, accordingly, you will ſee in the evidence, which I have to ſtate to you, a conſiderable deal of contrivance on the part of the priſoner at the bar, in order to bring about that convention in Scotland, for, Gentlemen, he writes a letter to the Norwich Conſtitutional Society, which deſerves your very ſerious attention, in which he expreſſes himſelf thus—" We have " to acknowledge, at once, your favours of the 3d of September " and 14th inſtant; multiplicity of buſineſs prevented my an- " ſwering your firſt, but will now inform you that the ſpirit, " ſhewn in it, gave great ſatisfaction to our ſociety at large; " the rejoicings for the capture of Valenciennes were not con- " fined to Norwich alone: the ignorant every where elſe through- " out the nation betrayed their imbecility on the occaſion— " the taking of a town, the ſlaughtering of thouſands of human " beings, the laying waſte whole provinces, or the enſlaving a " nation (however great evils they may be) can only retard " for a ſmall ſpace of time the progreſs of truth and reaſon. " Be not diſheartened, therefore, purſue your plan, inſtruct man- " kind, and conſtitutionally ſet your faces againſt exiſting abuſes; " be aſſured that many are our friends, who only wait a favourable " opportunity to openly join us, while our enemies have much " enfeebled themſelves and their cauſe by their arbitrary exer- " tions; deſpotiſm is at its laſt gaſp—one or two campaigns " more will terminate its exiſtence.

" We are glad to ſee that you begin to make a proper uſe of " delegation; where bodies of men are too numerous to be con- " vened eaſily on every occaſion, delegation is the beſt, and " indeed the only way to obtain the general opinion. Scotland, " improving on the idea, have not only ſummoned their own " delegates, but alſo invite thoſe of every other ſociety to attend " a kind of Convention," (as if Mr. Hardy knew nothing about it) " which is to be held at Edinburgh on the 29th inſtant—the " encloſed paper, which I, previous to the communicating your " letter to our committee, (which will meet only to-morrow), " make haſte to tranſmit to you, will ſhew you that your ſo-

" ciety

" ciety is included in the general invitation to ſend delegates to " that meeting, which we exhort you to do, if you poſſibly can; " I firmly believe our ſociety will not miſs the opportunity of " doing the ſame."

Now you will find that upon the 5th of October, 1793, Hardy, who wrote this letter upon the 17th, wrote to Skirving in this way—" With pleaſure I peruſe your favour of the 2d inſtant, " but, as yet, have ſeen nor heard nothing of the two copies of " Mr. Muir's trial, which you mention as being ſent to the ſo- " ciety and to myſelf—be kind enough, notwithſtanding, to return " that gentleman thanks for his polite attention, and aſſure him " that we view him in the light of a martyr to freedom, as well " as Mr. Palmer, and that our warmeſt hopes are, that the op- " preſſors of mankind will either be aſhamed or afraid of carry- " ing their revengeful malice into execution.

" The general Convention, which you mention, appears to " Mr. Margarot (to whom alone I have communicated your " letter) and myſelf to be a very excellent meaſure, *and as ſuch,* " *I could wiſh you, without delay, to communicate it officially to* " *our ſociety without any ways mentioning that you had written* " *to me privately*—if in your official letter you ſhould require " us to ſend a deputation to that meeting, I have no doubt but " our ſociety would, with pleaſure, accept the invitation; and I " am perſuaded it may do much good.—Our freedom, as you " juſtly obſerve, depends entirely upon ourſelves; and, upon our " availing ourſelves of this opportunity, which, once loſt, may " not be recovered ſo ſoon. I am glad to diſcover by your teſti- " mony that I was by no ways miſtaken in the high opinion I al- " ways had of Lord Daer's patriotiſm: a title may be a bar to " diſintereſted patriotiſm, but it ſeems he has evinced not to be " an inſuperable one.

" You are right, it is true, that we have had another general " meeting, at which a haſtily compoſed, and ſuddenly produced " addreſs to the King was read, applauded, and agreed to be pre- " ſented, but, on a cool reviſal, the ſaid addreſs being found to " be more ill-natured than ſpirited, more dangerous in its lan- " guage than advantageous in its object, beſides being too long,

" the

" the committee, with the approbation of the majority of the " ſociety, have adopted another, much ſafer, more appoſite, and " relating ſolely to the war: encloſed you have a copy of it, but " you was miſinformed when you was told we paſſed any reſolu- " tions at that meeting, for we only came to one, and that rather of " a private nature, namely, that the conduct of Sir James Sander- " ſon, in preventing the meeting of the London Correſponding " Society, at the Globe Tavern, Fleet Street, was of ſuch a na- " ture as to place him below our cenſure."

Gentlemen, the London Conſtitutional Society gave their delegates, Mr. Yorke and Mr. Sinclair, certain inſtructions, and I ought here to tell you, by way of explaining the effect of what I am now to ſtate, that the manner of keeping the books of the London Conſtitutional Society, as I underſtand it, was this— The reſolutions, made upon one night, were taken upon looſe minutes, either by the ſecretary, or by other perſons, who acted in his abſence, or in his preſence, when he was not doing that duty himſelf: they were entered, before the ſubſequent night of meeting, regularly in the book, and the firſt thing done upon the ſubſequent night of meeting was to read the reſolutions which were made upon the former night, and to ſee that they were correct: now it will naturally occur that the minutes may explain the book, and the book may explain the minutes: now, when they come to draw the minutes, which you will have for the inſtruction of their delegates at a Convention, which was to be held in Scotland, the firſt idea was to inſtruct thoſe delegates to petition parliament: but they ſeem to have recollected that that was a meaſure, which had been abandoned ſome months before by all the ſocieties, with whom they were affiliated: they therefore ſtruck out of their minutes the purpoſe of applying to parliament, and they ſend inſtructions in theſe words.

" The delegates are inſtructed, on the part of the ſociety, to " aſſiſt in bringing forward and ſupporting any conſtitutional " meaſures for procuring a real repreſentation of the Commons " of Great Britain in parliament—that, in ſpecifying the redreſs " to be demanded of exiſting abuſes, the delegates ought never " to loſe ſight of the two eſſential principles, general ſuffrage,

" and

" and annual repreſentation, together with the unalienable right " in the people to reform, and that a reaſonable and known " compenſation ought to be made to the repreſentatives of the " nation by a national contribution." What they meant by the *repreſentatives* of the nation, after what I have already read to you, I think you cannot poſſibly miſtake.

The London Correſponding Society are ſomewhat bolder in the inſtructions, which they ſend with their delegates to the Convention in Scotland: you will find theſe inſtructions are to the following effect.—By article the 1ſt, the delegate is inſtructed " that he ſhall on no account depart from the original " object, and principle of this ſociety; namely, the obtaining " annual parliaments, and univerſal ſuffrage, by rational and law- " ful means.

" 2d, To ſupport the opinions that repreſentatives in parlia- " ment ought to be paid by their conſtituents.

" 7th, That it is the duty of the people"—now, Gentlemen, I beg your attention to this, it is the principle, upon which the Convention in Scotland was formed, and upon which it acted; " That it is the duty of the people to reſiſt any act of parliament, " repugnant to the original principles of the conſtitution, as " would be every attempt to prohibit aſſociations for the purpoſe " of reform."

Gentlemen, there is no government in this country, if this principle is to be acted upon, becauſe nobody can tell to what extent it will go, and accordingly you will ſee that theſe delegates, who went into Scotland, with this authority in their hands, carried the authority far beyond the reſiſtance, which they were authorized to make according to the principles here laid down, and they ſtate a great variety of caſes, all approved afterwards, both by the London Correſponding, and the Conſtitutional Society, in which the People, and the Convention of the people, were to reſiſt parliament.

Gentlemen, theſe ſocieties, having ſent delegates to the Convention in Scotland, I proceed now to ſtate that the acts of that Convention, to the extent at leaſt to which the delegates from this country were authorized to act, are evidence againſt thoſe,

who ſent them, and therefore againſt the perſons here indicted. But, further, they communicated to the ſocieties here, particularly to the priſoner at the bar, their acts; and the ſocieties here, in diſtinct reſolutions, acting upon conſideration, approved their whole conduct: they therefore made that conduct of their delegates in the Convention in Scotland, whether it was agreeable to the original authority, which was given them or not, their own; they adopted it by giving it their ſubſequent approbation.

Gentlemen, you will find, firſt of all, that they received a letter from the Sheffield ſociety, affiliating with them, in which it was propoſed to determine like Engliſhmen.

That, after receiving a great deal of other correſpondence, which I will not trouble you with reading, the ſocieties here prepare to ſend delegates to Scotland. Mr. Skirving ſent a circular letter upon the arrival of the Engliſh delegates to the delegates of all the aſſociations in Scotland, which were extremely numerous, and very widely extended, and I think the delegates of theſe different ſocieties came together to the number of 180. After ſitting ſome time, Mr. Margarot, you will find, who was the delegate of the London Correſponding Society, repreſents to the body there met—"That the Societies in London were very "numerous, though ſometimes fluctuating; that in ſome part of "England whole towns are reformers; that in Sheffield and the "environs there are 50,000; that in Norwich there are thirty "ſocieties in one; that if they could get a Convention of Eng-"land and Scotland called, they might repreſent ſix or ſeven "hundred thouſand males, which is a majority of all the adults in "the kingdom."

You will find Mr. Margarot moves that, previous to publiſhing an addreſs to the public, a committee ſhould be appointed to conſider the means, and draw up a plan of general union and co-operation between what? Not between any ſocieties in the two nations, but a plan of general union and co-operation *between the two nations*. In their conſtitutional purſuit of a theory of Parliamentary Reform, they ſtyle themſelves a Convention, and this, Gentlemen, is extremely material for you to attend to; they ſtyle themſelves, "the Britiſh Convention of the de-

"legates

" delegates of the people aſſociated to obtain univerſal ſuffrage " and annual parliaments." Then I aſk what is a Convention of the people according to theſe ſocieties? According to the proceedings in Scotland, a Convention of the people is a Convention of the delegates from theſe ſocieties in England and Scotland.

They aſſert that the people have in them all civil and political authority; and they, repeatedly, again and again, from the moment that this Convention was formed in Scotland to the moment of its diſperſion, more eſpecially at the time of its diſperſion, more eſpecially ſtill from the time of its diſperſion till the time of a meeting on the 20th of January at the Globe Tavern, and on the 27th of March, when another Convention was propoſed, as I ſtated at the outſet, they repeatedly and in the moſt preſſing terms ſtate that *now or never* was the time, when the people were to meet, when they were to act by their own force, when they were courageouſly to prepare themſelves for the event, and to ſhew thoſe, whom they called their oppreſſors and plunderers, that they were a brave people, in whom valour was not extinct.

Having thus met together, upon the principles of the French ſyſtem, which took place upon the 10th of Auguſt 1792, they proceed directly to the French practices, which took place then in the National Aſſembly of France, took place then becauſe the People in France were underſtood to be repreſented by a Convention; theſe delegates taking upon themſelves alſo to be a Convention of the people, they inſtituted *Primary Societies*, they divided the country into *departments*, they appointed *Provincial Aſſemblies*, they have *Committees of Union*, they thank for *patriotic donations*, they *aſſume an epoch*, they appoint a *Secret Committee* to be called together upon extraordinary emergencies; and upon the 28th of November, 1793, they come to a reſolution, to which I muſt beg your moſt ſerious attention.

Gentlemen of the Jury, you will remember that they went with authorities, which ſtated to them that it was the duty of the people, which people they had taken upon themſelves to repreſent, to reſiſt any act of Parliament, that ſhould be made for a particular purpoſe. It is hardly, I think, to be contended, that

the great bulk of the people of this country, happy in their political exiſtence, as undoubtedly they are, remaining happy in their political exiſtence, becauſe they do not feel grievances, (till they are taught by malignant induſtry to believe that they exiſt,) I mean to ſuch a degree as to call for meaſures of this ſort, could believe that the legiſlature of the country, doing juſtice to the ſubjects, whom it is bound to protect, would permit a proceeding of this kind to go on—yet, Gentlemen, confiding ſo much as theſe perſons did in the ſuppoſed ſtate of their number in that country, and of thoſe who were to be connected with them in this, you will find that, upon the 28th of November 1793, one of the perſons belonging to that Convention, Citizen Sinclair, I think, the members all ſtanding up upon their feet for the greater ſolemnity of the thing, propoſes this reſolution—"Reſolved, that the fol-"lowing declaration and reſolutions be inſerted at the end of our "minutes—"That this Convention"—now if it be poſſible to ſay that any Convention means to act as a Convention of the People, it is that which ſets itſelf above the legiſlature in the act it is doing—"That this Convention conſidering the calamitous conſequences "of any act of the legiſlature, which may tend to deprive the "whole or any part of the people of their undoubted right to "meet, either by themſelves, or by delegation, to diſcuſs any mat-"ter relative to their common intereſt, whether of a public or "private nature, and holding the ſame to be totally inconſiſtent "with the firſt principles and ſafety of ſociety, and alſo ſubver-"ſive of our known and acknowledged conſtitutional liberties."

Gentlemen, permit me to call your attention to this, that this declaration, in its principles, follows the inſtructions that they had received, that, if any attempt was made to bring in a Convention bill, they were then to do ſo and ſo. They then proceed thus—"Do declare before God and the world, that we ſhall fol-"low the wholeſome example of former times, by paying no re-"gard to any act, which ſhall militate againſt the conſtitution of "our country"—That is ſaying, that the will of the legiſlature is not a better judge of what is an act againſt the conſtitution of the country, than the affiliated clubs at Edinburgh—"and ſhall "continue to aſſemble and conſider of the beſt means by which

"we

:an accompliſh a real repreſentation of the people," is that iament ?—" and annual election until"—what—" until pelled to deſiſt by ſuperior force.

nd we do reſolve that the firſt notice given"—The firſt —Parliament is not even to diſcuſs the thing: but, if an tion of it is made in Parliament—" That the firſt notice n for the introduction of a Convention bill, or any bill of ilar tendency to that paſſed in Ireland in the laſt ſeſſion of Parliament, or any bill for the ſuſpenſion of the Habeas ous Act, or the act for preventing wrongous impriſonment, againſt undue delays in trials in North Britain, *or in caſe of invaſion.*"

itlemen, I call back to your recollection the letter of Skir- I call back to your recollection not only the letter of Skir- but that the troops of liberty were promiſed to be ſent with :ts and pikes from that country, which at this moment was to invade us—" or the admiſſion of any foreign troops ſoever into Great Britain or Ireland"—If the Parliament country, for the purpoſe of protecting itſelf againſt that invaſion, had brought theſe foreign troops into Great or Ireland, not being the troops of a nation, with which re at war, *this Convention of the people* was to act upon the ction of ſuch foreign troops in the ſame manner, as they act in caſe of an invaſion by thoſe, who were at war with hat is the conſtruction that follows upon that ?—that, even ign troops, to meet the exigence of an invaſion, were in- ed—what then—" all or any one of theſe calamitous circum- :es"—why calamitous ? They might be neceſſary for the diſtence of the country—" ſhall be a ſignal to the ſeveral gates to repair to ſuch place, as the Secret Committee of this vention ſhall appoint, and the firſt ſeven members ſhall ower"—to do what?—to do that exactly, which a Na- Convention in France would do—" to declare the ſittings ient"—why ? Becauſe the duly conſtituted legiſlature of intry had dared not to do an act, but to entertain a deliberā- on doing an act—the firſt notice was to call together this

Convention, and, being called together, their ſittings were to be *permanent.*

Gentlemen, are the parties to this Convention in Scotland ſuch men, as would think of bringing themſelves together to declare their ſittings permanent upon ſuch a ground, as they ſtate here, namely, the legiſlature of a great country acting in the execution of the great duties, which belong to the legiſlature of that country, without ſuppoſing, by that ſolemn declaration, that they could make their meeting effectual by the acts, which were to be carried on for the purpoſe of preventing that legiſlature from deliberating upon ſuch duties? By what acts could it be done but by exertions as they ſtile them in the manner of their forefathers, by force? By affiliated ſocieties, exerting their phyſical ſtrength, that phyſical exertion, which Mr. Barlow obſerves is to be preceded or precluded by ſpreading uſeful knowledge, and that uſeful knowledge being that, which is to beat down the exiſting authority of King, Lords, and Commons.

"The Convention therefore reſolve, that each delegate imme-
"diately on his return home do convene his conſtituents and
"explain to them the neceſſity of electing a delegate or dele-
"gates, and of eſtabliſhing a fund without delay, againſt any of
"theſe emergencies, for his or their expence, and that they do
"inſtruct the ſaid delegate or delegates to hold themſelves
"ready."

Gentlemen, you ſee what they expected from the legiſlature —they knew that what they were doing ought to provoke the legiſlature to do what they meant to forbid the legiſlature to do: and they inſtruct their delegate or delegates to hold themſelves ready—"to depart at one hour's warning." Well might Mr. Skirving ſay, that *a month's delay, and the whole was loſt:* well might Mr. Hardy ſay, what he ſays in letters I ſhall produce preſently, that if the opportunity is loſt now, it is loſt for ever—we muſt act now, or we never can. Having ſome reaſon to ſuppoſe that this Convention would be diſperſed, they then with great ſolemnity come to another reſolution:

"That the moment of any illegal diſperſion of the Britiſh
"Conven-

" Convention ſhall be conſidered as a ſummons to the delegates " to repair to the place of meeting appointed for the Convention " of emergency by the Secret Committee, and that the Secret " Committee be inſtructed without delay to proceed to fix " the place of meeting." Gentlemen, after theſe reſolutions it became neceſſary to do a little more, that is, to declare upon what principles this Convention exiſted. Now mark the principles, and do your Country juſtice: apply ſo much of the obſervations that I have made to you, as are worthy your attention, to what I have before ſtated as the neceſſary connection between the principle and practice of Mr. Paine, and of theſe Societies.

Gentlemen, theſe principles brought together the French Convention—what is the practice then, that flows out of the principle? Why it is the aſſembling of a Convention upon principles obliging it to ſit for the purpoſe of declaring that the legiſlature ſhall do nothing, but what they liked: that is to all intents and purpoſes a National Convention; if not a Convention for an eternal reform, at leaſt a Convention, that prohibits the legiſlature to do any thing, but what is agreeable to them. Then, having met for the execution of the practice, they proceed immediately to the declaration of the principle—but they do not proceed to a declaration of the principle till they have done that ſtrong and ſolemn act, which I have ſtated: then they reſolve "that a Committee be appointed to draw up a declaration" This is France exactly—It is the Southwark ſociety in 1792—a " declaration of the natural impreſcriptible rights of man, and that " the ſame be prefixed to an addreſs to the people of Great Bri- " tain. That a committee of obſervation," that is, for the better effectuating the purpoſe that they had before declared, " be " appointed in London to give the earlieſt intimation of any mo- " tion of the kind mentioned in the foregoing reſolutions to the " different ſocieties."

You will then find that they met in a place, which they call *Convention Hall*, under the name of the *Britiſh Convention*, and then they are informed that the London Correſponding Society would undertake to be that Committee of obſervation, which, they ſay, ought to exiſt—and then you will find that the members

mentioned that they had thouſands of their conſtituents in London, Sheffield, Norwich, Leeds, &c. and that the Convention was to look at itſelf as in its true nature a *Committee of the People*—that therefore it was neceſſary to have, as they have in France, *Primary Societies*, who ſhould be conſulted—in other words, that this Committee of the people at Edinburgh, which was to overrule the legiſlature, was itſelf to be overruled by *theſe Primary Societies*, theſe primary ſocieties themſelves being overruled by the leaders of the great clubs, from which they emanated, and ſo forming in this country a government, under the power of a Jacobin Club, and that government deſtroying the preſent exiſting legiſlature of the kingdom.

You will alſo find that, before theſe perſons parted, Mr. Margarot communicated to his conſtituents the proceedings of this body, which he ſtyles always the *Convention of the People* aſſociated to obtain annual parliaments, and univerſal ſuffrage. There are letters which I ſhall lay before you, without detailing them, ſtating that they looked up to the London Correſponding Society, and the Society for Conſtitutional Information—that their active exertions were neceſſary for the accompliſhing the projects, which they ſitting in Edinburgh were to execute; and then the two delegates of the London Correſponding Society write to Mr. Hardy, as the Secretary of that ſociety, an account of their proceedings—they give him an account of that ſolemn motion, and of the manner of making it, which I have juſt been detailing to you—they ſtate to him that they had determined to aſſemble in Convention in any ſuch caſe—that the appointment of the place, which is a circumſtance I beg your moſt ſerious attention to, was left to a *Secret Committee*; but then they ſend to him an account of the motion, informing him in the letter—that "letters convey "but very imperfectly, and with no great degree of ſafety, what "we might wiſh to inform each other of."

Now what do you think it is that they do not inform him of in this letter—they do not inform him in this letter, becauſe letters will not convey every thing ſafely—*that the Convention was to meet in caſe of invaſion*—that was a ſecret, which durſt not be truſted to correſpondence by letter, and becauſe it exiſted in that

motion.

motion which was made, every other part of it being communicated even in a letter, they conſider it of ſuch a nature, that they determine not to inſert it even in their own minutes.

This Secret Committee having been appointed in the Scotch Convention, the fact being communicated to the London Correſponding Society by their delegates, you will likewiſe find that Mr. Sinclair, the delegate from the Conſtitutional Society to the ſociety at Edinburgh, was not behindhand in the communication of it: he communicates the proceedings, and deſires that a Secret Committee may be appointed in that ſociety. It was not long after this, that the wiſely exerted power of the magiſtracy of that country diſperſed that Convention. The diſperſion of that Convention, which, from what I have before ſtated to you, was conceived to be a body that muſt then do its work, or its work never would be done, ſuggeſted to the ſocieties of this country the neceſſity of undertaking the ſame buſineſs, of undertaking it at the ſame hazard, knowing that the project muſt either *then* be accompliſhed, or that it *never* could thereafter be attempted—for that no Government could permit ſuch a Convention as this to meet, when its nature was really underſtood, without taking ſome means to protect itſelf againſt the conſequences of the exiſtence of ſuch a Convention.

Gentlemen, you will therefore find that, after they had been diſperſed, and after, in conſequence of that diſperſion, ſome of them had been puniſhed in Scotland by ſentences which were pronounced upon offences, not ſtated in the records of that court in ſo aggravated a way againſt them as they might, in my humble opinion, have been ſtated, that it then became neceſſary that ſome ſtep ſhould be taken immediately to prevent the miſchief, which was meditated; for you will find, in the evidence, propoſitions in theſe ſocieties about a reſcue, which failed; but you will find in their correſpondence from Scotland, and their correſpondence from thoſe ſhips in which the members of the Scotch Convention were, before they ſailed in execution of their ſentences, not only the ſtrongeſt invitations to do ſome ſtrong acts in this country to both ſocieties, but, on the other hand, the

ſtrongeſt and moſt unequivocal declarations by both Societies, that theſe ſtrong acts muſt be done.

Gentlemen, you will find that before they left Scotland, upon the 11th of December, 1793, there is a letter from Mr. Margarot to Mr. Hardy to this effect—" We received your " letter and remittance yeſterday, and ſhall be glad to receive " another ſuch without delay.

" The Convention you will ſee has declared itſelf permanent; " they are to ſit in ſome other part of the country, which is " not yet declared."

Gentlemen, Mr. Sinclair, the Delegate of the Conſtitutional Society, came to London. I have before obſerved to you, from a letter of Gerald and Margarot, that there were ſome things that could not ſafely be conveyed by letter. Margarot writes a letter from Edinburgh to the priſoner, in which he ſays— " My colleague Gerald alſo propoſes to leave this place the " latter end of this, or the beginning of the next week : He will " explain himſelf to you: Pray ſend him money for this jour- " ney, &c. He is now gone to *Perth* on very urgent buſineſs. " Since Sinclair's departure nothing new has occurred, except the " formation of a Society ſomewhere about the Grampion Hills" —this ſhews the ſpirit of fraternization—" they have already made " a ſubſcription towards it : Again we are interrupted, and likely " to loſe the poſt, unleſs I diſpatch this immediately."

Upon the 22d of December, 1793, another letter is written to Mr. Hardy by the ſame gentleman, which probably led, in ſome degree, to the tranſactions that I have to ſtate, as having paſſed in January, 1794 ; for, after ſtating what had happened to himſelf in Scotland, he ſays—" Sheffield has on this occaſion " exhibited a moſt manly ſpirit"—The Sheffield Society had at that time ſent out ſome exceſſively ſtrong reſolutions, which I ſhall give you in evidence in the courſe of this buſineſs—" I " am extremely mortified to find ſo great a difference betweeen " them and the London Correſponding Society ; it is not how- " ever too late. For God's ſake ſend forth ſome very ſtrong " reſolutions, and above all, talk of impeachments, and of pe- " titioning the King to remove from their offices thoſe perſons " who have thus violated the laws of the realm."

You

You will find from a letter of the 24th of December, that Margarot, a delegate of the London Society, a delegate of Norwich, and a Mr. Brown, who was the delegate from Sheffield, had gone to attend a general meeting of the Society of the Friends of Freedom in Eaſt Lothian, and then the expreſſion is—" *The time is come that we muſt ſhew* " *ourſelves worthy of liberty, or deſervedly loſe it.* The oppo- " ſition of our adverſaries is demonſtration of the propriety " and efficacy of the means which we have employed to ob- " tain it."

Upon the 27th of December, 1793, you will find Mr. Margarot ſtates that Mr. Gerald was gone to Perth; that he himſelf had been in Eaſt Lothian; that they had been well employed; that they muſt ſend out ſpirited reſolutions; and you will find that upon the 11th of January, 1794, Mr. Hardy writes a letter to Norwich, relative to the proceedings I have now been ſtating, the Conſtitutional Society firſt, and the London Correſponding Society afterwards, having in their public acts approved every thing that this Convention had done. Mr. Hardy's letter runs thus:

" I have juſt received a letter from Citizen Margarot, at Edin- " burgh, with ſome of the Edinburgh Gazetteers, where you " will ſee that Citizen Skirving is found guilty, and ſentenced " for fourteen years tranſportation to Botany Bay. Margarot's " trial comes next; he meets it with great firmneſs and reſolu- " tion. I have no time to make my comments on the pro- " ceedings, but I think our opponents are cutting their own " throats as faſt as they can—*Now is the time for us to do ſome-* " *thing worthy of men: the brave defenders of liberty, ſouth of the* " *Engliſh Channel, are performing wonders, driving their enemies* " *before them like chaff before the whirlwind.* Margarot tells me " that he has not time to write to you juſt now, but he hopes " to have time very ſoon, when his trial is over, and immured " in a priſon. The London Correſponding Society is to have a " general meeting and an anniverſary dinner on Monday the " 20th inſtant, at the Globe Tavern, Strand."

Gentlemen, you will find that Mr. Margarot, this delegate, with whom Mr. Hardy is thus in correſpondence, writes to the

Norwich

Norwich United Societies—" This morning ten ſhips of war " have left Spithead for the Channel; and it is here reported, " that the Breſt Fleet is out. Rumour, always magnifying things, " ſays there are ſeventy ſail of the French at ſea; if ſo, there " *muſt be a number of tranſports among them, and a deſcent may* " *probably be the conſequence—for God's ſake, my worthy friends,* " *do not relax in the cauſe of Freedom.*"—Now what connection had a deſcent with the cauſe of freedom?—" Continue as you " have begun; conſolidate your own Societies—unite with " others—perſevere, and make no doubt, but ſooner or later, " your endeavours will be crowned with ſucceſs."

Gentlemen, I come now to ſtate to you the proceedings of the year 1794, as far as they depend upon written evidence; and it muſt be a ſatisfaction to the mind of every man, who hears me, that, in the courſe of this buſineſs, whatever obſervations may ariſe upon the parol evidence, that will be given you, I think you will find ſo ſtrong a confirmation of all you are to hear in the written evidence, that is to be laid before you, that theſe obſervations cannot poſſibly miſlead you from coming to the true concluſion upon the whole of the evidence, whatever that may be.

Gentlemen, the Conſtitutional Society, having ſent their delegate to the Scotch Convention, you will find that, at a meeting of the 17th of January, 1794, the following reſolutions were come to, to which I muſt deſire your particular attention, more eſpecially as there are ſome circumſtances belonging to the compoſition of thoſe reſolutions, which appear to me to be worthy of attention. I have before told you that theſe reſolutions were uſually drawn from minutes—the original minutes ſtill exiſt, and perhaps they ſhew that diſcretion, with which men are ſometimes able to ſtate, in different ways, preciſely the ſame thing: I ſay, that theſe reſolutions of the 17th of January, 1794, were meant to excite the ſubjects of this country to reſiſtance.

" Reſolved, That law ceaſes to be an object of obedience, " whenever it becomes an inſtrument of oppreſſion.

" Reſolved,

" Reſolved, That we recall to mind, with the deepeſt ſatiſ-
" faction, the merited fate of the infamous Jefferies, once Lord
" Chief Juſtice of England, who, at the æra of the glorious
" Revolution, for the many iniquitous ſentences which he
" had paſſed, was torn to pieces by a brave and injured people."
This is applied to the Judges of Scotland, who executed the law
upon ſuch facts as I have been ſtating.—" That thoſe who
" imitate his example deſerved his fate"—this ſort of intimation
might have a tendency, I hope it had not, to put in any peril
thoſe who did, in the regular courſe, and in the due courſe of
their judicial duties, paſs thoſe ſentences, to which theſe reſo-
lutions allude.

" That the Tweed, though it may divide countries, ought
" not, and does not, make a ſeparation between thoſe prin-
" ciples of common ſeverity in which Engliſhmen and Scotch-
" men are equally intereſted; that injuſtice in Scotland is
" injuſtice in England; and that the ſafety of Engliſhmen is
" endangered, whenever their brethren in Scotland, for a
" conduct which entitles them to the approbation of all *wiſe*,
" and the ſupport of all *brave* men, are ſentenced to Botany
" Bay, a puniſhment hitherto inflicted only on felons.

" That we ſee with regret, but we ſee without fear, that the
" period is faſt approaching when the liberties of Britons"—this
was in January—" muſt depend, not upon reaſon, to which
" they have long appealed, nor on their powers of expreſſing it,
" but on their firm and undaunted reſolution to oppoſe tyranny
" by the ſame means by which it is exerciſed." Now what is
the tyranny? The exerciſe of the regular government of the
country. What is the means by which it is exerciſed? The
application of the force of the country in ſupport of the govern-
ment of the country. What is this reſolution then? Why that
the means, which the government takes in the regular exerciſe
of its functions, ought now to be reſiſted—" We ſee it with re-
" gret, but do not ſee it with any fear."

That a breach of allegiance was contemplated you can have no
doubt, for you will ſee in the original of this, that it ſtood thus:
That, " as allegiance and protection are reciprocal, law ceaſes,
" to

" to be an object of obedience, whenever it becomes an inſtru-
" ment of oppreſſion."—Couple that, as it ſtood originally, with the third reſolution, and what is it? Why it is—That the protection, which was due from him to whom allegiance is due, has not been afforded: therefore allegiance is no longer due. " We ſee with regret, but we ſee without fear, that the period " is faſt approaching, when the liberties of Britons muſt depend, " not upon reaſon, to which they have long appealed, nor on " their powers of expreſſing it, but on their firm and undaunted " reſolution to oppoſe tyranny by the ſame means by which it " is exerciſed."

You will alſo find that it ſtood, " that Engliſhmen feel the " oppreſſion of Scotchmen, which they are determined to reſiſt " at the hazard of their lives"—You will find the laſt reſolution, in the minutes, comparing the genuine repreſentatives of this country, in the Houſe of Commons, with this Convention in Scotland, which Convention in Scotland had taken upon itſelf to reſolve upon reſiſtance to even a motion, in either Houſe of Parliament of this country, in the execution of their duty, thus:

" That we approve of the conduct of the Britiſh Convention, " who, though aſſailed by force, have not been anſwered by ar-
" guments, and who, unlike the Members of a certain Aſſembly, " have no intereſt diſtinct from the common body of the people" —The words originally ſtood—who " being the incorrupt repre-
" ſentatives of *many thouſands*, have ſpoken the language of " truth and firmneſs." Can I make this Court the inſtrument of conveying to the public, what I confeſs I do moſt anxiouſly wiſh to make it the inſtrument of conveying to the public, as far as it is fit, in the execution of the duty that I am now diſcharging, that they may underſtand what it is that men, when they are ſcattering theſe libels through the country, mean— " This Convention, aſſailed by force, have not been anſwered by arguments"—How was it poſſible to anſwer thoſe by arguments, who were coming to ſolemn and ſacred reſolutions, which they did not even dare to put upon the face of their own minutes? How were we to anſwer thoſe by argument, who were working under ground till they had blown up the government,

and

and then ſay, you cannot point out that we have been acting ill, becauſe we won't tell you how we have been acting?

Upon the 16th, Mr. Margarot writes again, leaving them to purſue what ſort of conduct they pleaſe.

Then there is a letter of ſome importance of the 28th of January, which is written to the perſon who ſtands at the bar.—"We have juſt received notice from the Sheriff to hold our-"ſelves ready to depart at an hour's warning: we go by night: "we imagine to Newgate: look out for us."

Gentlemen, you will likewiſe find a letter from Mr. Margarot to Mr. Hardy, of great conſequence, as it explains many of the paſſages in the evidence between the 20th of January, 1794, and the time that thoſe perſons were apprehended. Margarot writes from Edinburgh in this manner:—"Armed aſſociations "are, I perceive, now ſet on foot by the rich, wherefore ſhould "not the poor do the ſame? are you to wait patiently until "20,000 Heſſians and Hanoverians come to cut your throats? "and will you ſtretch forth your necks like lambs to the "butcher's knife, and like lambs content yourſelves with bleat-"ing? Pray let me hear from you ſoon. Remember me to "Moffatt, Muir, and Palmer, and all ſuffering brethren.".

Gentlemen, upon the 20th of January, 1794, there was a meeting at the Globe Tavern; that meeting, which you will permit me to obſerve Hardy mentioned in his letter of the 11th of January, 1794, which I before have ſpoken of, when he ſaid the London Correſponding Society were to have a general meeting, and an anniverſary dinner. Gentlemen, the proceedings of that day will deſerve your very particular attention.

"At a general meeting of the London Correſponding Society, "held at the Globe Tavern, Strand, on Monday the 20th day "of January, 1794, Citizen John Martin in the chair,"—when I ſtate this to you, I ought to ſay that I ſhall prove the priſoner to have been preſent, or to have been connected with all the tranſactions that I have been ſtating. The following addreſs to the people of Great Britain and Ireland, was read and agreed to. "Citizens, We find the nation involved in a war, by which in

" the courſe of one campaign, immenſe numbers of our country-
" men have been ſlaughtered; a vaſt expence has been in-
" curred; our trade, commerce, and manufactories are almoſt
" deſtroyed; and many of our manufacturers and artiſts are
" ruined, and their families ſtarving.

" To add to our affliction, we have reaſon to expect that
" other taxes will ſoon be added to the intolerable load of impoſts
" and impoſitions, with which we are already overwhelmed,
" for the purpoſe of defraying the expences which have been in-
" curred in a fruitleſs cruſade, to re-eſtabliſh the odious deſ-
" potiſm of France.

" When we contemplate the principles of this war, we con-
" feſs ourſelves to be unable to approve of it as a meaſure either
" of juſtice or diſcretion; and, if we are to form our calculation
" of the reſult, from what has already paſſed, we can only look
" forward to defeat, and the eternal diſgrace of the Britiſh
" name.

" While we are thus engaged in an expenſive and ruinous
" foreign war, our ſtate at home is not leſs deplorable.

" We are every day told by thoſe perſons, who are intereſted
" in ſupporting the corruption liſt, and an innumerable hoſt of
" ſinecure placemen, that the conſtitution of England is the
" perfection of human wiſdom; that our laws (we ſhould ra-
" ther ſay their laws) are the perfection of juſtice; and that
" their adminiſtration of thoſe laws is ſo impartial and ſo ready,
" as to afford an equal remedy both to the rich and to the
" poor, by means of which we are ſaid to be placed in a ſtate
" of abſolute freedom."—The paper then goes on and reaſons upon the ſtate of the law in this country, under an expoſition of Magna Charta, which gives as nearly the true meaning of it as a man would give, who had never ſeen it.

" If we look to Ireland, we find that acknowledged privilege
" of the people to meet for the ſupport and protection of their
" rights and liberties, is attempted by terror to be taken away,
" by a late infamous Act of Parliament.—That was an Act to prevent Convention by delegates with dangerous objects.—

" Whilſt

" Whilſt titles of honour—no—but of diſhonour are laviſhed, " and new ſources of corruption opened to gratify the greedy " proſtitution of thoſe who are the inſtruments of this op- " preſſion.

" In Scotland, the wicked hand of power has been impudently " exerted without even the wretched formality of an Act of " Parliament."—A piece of parchment juſtice they call an act in the Convention of Scotland.—" Magiſtrates have forcibly in- " truded into the peaceful and lawful meetings of freemen, and " by force (not only without law, but againſt law) have, " under colour of magiſterial office, interrupted their delibera- " tions, and prevented their aſſociation.

" The wiſdom and good conduct of the Britiſh Convention in " Edinburgh has been ſuch, as to defy their bittereſt enemies " to name the law which they have broken, notwithſtanding " which, their papers have been ſeized and made uſe of as evi- " dence againſt them, and many virtuous and meritorious indi- " viduals have been, as cruelly as injuſtly, for their virtuous " actions, diſgraced and deſtroyed by infamous and illegal ſen- " tences of tranſportation, and theſe unjuſt and wicked judg- " ments have been executed with a rancour and malignity never " before known in this land; our reſpectable and beloved fellow- " citizens have been caſt fettered into dungeons, amongſt felons " in the hulks, to which they were not ſentenced.

" Citizens, We all approve the ſentiments, and are daily " repeating the words for which theſe our reſpectable and valu- " able brethren are thus, unjuſtly and inhumanly, ſuffering; " we do aſſociate"—mark the expreſſion—" in order to obtain " a fair, free, and full repreſentation of the people in a houſe " of real national repreſentatives."—Now, did the Convention at Edinburgh then aſſociate for the purpoſe to obtain a fair, free, and full repreſentation of the people in a houſe of real national repreſentatives? If they did, they aſſociated to form that houſe of real repreſentatives upon this principle, that they were, as Mr. Skirving calls them, the people in Scotland, that they were to affiliate, and to aſſociate themſelves with ſocieties in England;

and that, in that ſtate of affiliation and aſſociation, holding a Convention, as they call it, of the People, from delegates of theſe ſocieties, and not from the people—to do what?—why to meet as an Aſſembly, which Aſſembly was to control the operations of Parliament; of that Parliament, which muſt be the repreſentatives of the Commons of the Nation; an expreſſion, which by the way, they never uſed, adopting generally terms of a different import, "Real National Repreſentatives."

"Are we alſo willing to be treated as felons for claiming "this our inherent right? which we are determined never to "forego but with our lives, and which none but thieves and "traitors"—that is perſons acting in the regular execution of the functions of magiſtracy—"can wiſh to withhold from us: "conſider it is one and the ſame corrupt and corrupting in- "fluence, which at this time domineers in Ireland, Scotland, "and England: can you believe that thoſe, who ſend virtuous "Iriſhmen and Scotchmen, fettered with felons to Botany Bay, do "not meditate, and will not attempt to ſeize the firſt moment, "to ſend us after them? or, if we had not juſt cauſe to appre- "hend the ſame inhuman treatment, if, inſtead of the moſt im- "minent danger, we were in perfect ſafety from it, ſhould we "not diſdain to enjoy any liberty or privilege whatever in which "our honeſt Iriſh and Scotch brethren did not, equally and as "fully, participate with us? Their cauſe then, and ours, is "the ſame, and it is both our duty and our intereſt to ſtand or "fall together."

Gentlemen, recollect the expreſſions that I read to you from Skirving's letter: "will you wait till barracks are erected in "every village, and till ſubſidized Heſſians and Hanoverians are "upon us?" You will now ſee from the proceedings I am ſtating to you, that *the time was come*, that they were not only *virtuous* but *courageous* enough to do an act, which in 1792 and 1793, though they were virtuous enough to do, they were not courageous enough to do.

"You may aſk perhaps, by what means ſhall we ſeek re- "dreſs? We anſwer, that men in a ſtate of civilized ſociety,

"are

"are bound to ſeek redreſs of the grievances from the laws, as "long as any redreſs can be obtained by the laws; but our com-"mon maſter, whom we ſerve, (whoſe law is a law of liberty, "and whoſe ſervice is perfect freedom,) has taught us not to ex-"pect to gather grapes from thorns, or figs from thiſtles: *we "muſt have redreſs from our own laws.*"—Were they to be a Convention of the People then without making laws? They approve the whole conduct of the Britiſh Convention, that would not let others make laws, and yet were they not to make laws?

"We *muſt have redreſs from our own laws,*" and not from other laws;—the laws of Great Britain are thus deſcribed,—"*the laws of our plunderers, enemies, and oppreſſors:*" indeed, if the Legiſlature of their Country were their plunderers, enemies, and oppreſſors, in their notions, it would be very difficult to ſuppoſe, that they were to have redreſs from the laws of that legiſlature; but then it follows, of courſe, that they meant to have redreſs from laws made by ſome other body, that had authority to make laws; and what that other body is, but the Convention which they determine upon, muſt be left for thoſe to ſay, who can find it out. They go on then to ſay,

"There is no redreſs for a nation circumſtanced as we are, "but in a fair, free, and full repreſentation of the people."—Now, here again I aſk, what is that fair, full, and free repreſentation of the people, not mentioned to be in Parliament? but if it was, it would be preciſely the ſame phraſe as occurred at the time of the Commonwealth. But they take upon them to approve of the Britiſh Convention, and to unite the two nations of England and Scotland, to be a Britiſh Convention formed by delegates from the different ſocieties in this country, and profeſſing to act as a Convention of the People; I ſay, that it *is that ſpecies of Convention*, which, in their opinion, was a *fair, free, and full repreſentation of the people*, in which, and which alone, they hoped for that redreſs, which they could not hope for from the Parliament of Great Britain, thoſe, who were their plunderers, their enemies, and oppreſſors? Could it be poſſible for them to ſuppoſe, that they could make Parliament the willing or unwilling organ of bringing about this repreſentation of the people

to ſubſiſt by annual ſuffrage and univerſal repreſentation? Could it have entered into their imagination that thoſe, whom they call their plunderers, enemies, and oppreſſors, would ever become the voluntary or involuntary inſtrument of doing that, which was the object of all theſe Societies, from March 1791, till they were checked in the execution of their purpoſes?

Then follows a reſolution that will require likewiſe your very particular attention. "Reſolved, That during the enſuing ſeſ-"ſion of Parliament the General Committee of this Society do "meet daily, for the purpoſe of watching the proceedings of the "Parliament and of the adminiſtration of the government of this "country." This was to be publiſhed: they do not therefore venture to inſert *totidem verbis* that reſolution, which I have ſtated to you, was ſo ſolemnly made, and ſo ſacredly ſworn to in the Scotch Convention, but they reſolve—"that upon the firſt introduction of "any bill or motion inimical to the liberties of the people, ſuch as "for landing foreign troops in Great Britain or Ireland, for ſuſ-"pending the habeas corpus act, for proclaiming martial law, or "for preventing the people from meeting in ſocieties for Conſti-"tutional information."—What the meaning of the term *conſtitutional* is we can judge by this time—that upon any expreſs motion of this nature, "or any *other innovation of a ſimilar nature*, "that on any of theſe emergencies the General Committee ſhall "iſſue ſummonſes to the delegates of each diviſion, and alſo to "the ſecretaries of the different Societies affiliated and correſpond-"ing with this Society, forthwith to call *a General Conven-"tion of the People*, to be held at ſuch place, and in ſuch a "manner, as ſhall be ſpecified in the ſummons, for the purpoſe "of taking ſuch meaſures into their conſideration." They omit the caſe of invaſion in this publication. But what is this, ſuppoſing nothing had paſſed in Scotland of what I have ſtated to you? What! Is the legiſlature, is the rule and government in this great country reduced to this ſtate, that it ſhall find no protection in the adminiſtration of the law of the country againſt perſons, aſſociating and affiliating themſelves for the purpoſes, which they declare here? Is no motion to be made in Parliament for any purpoſe, which theſe Societies chooſe to comprehend under the terms "any other inno-

"vation,"

"vation," without explaining what it means? but what? but that bodies of men are to come together, claiming to themſelves the civil and political authority, which exiſts in the natural and phyſical qualities of the people, and then to contend that they have got a *Convention of the People?*

Now, do they Convene the People? In fact, it will be ſaid, nothing like it. But they call themſelves *a Convention of the People* in the very terms that they uſe: the ſummonſes are to go to the delegates of each Meeting, and alſo the Secretaries of the different Societies correſponding with this Society, and no where elſe. For what purpoſe? To *call a General Convention of the People!* Then, what is the meaning of all that, taking it with its context? It is this: from your laws—the laws of you, our plunderers, enemies, and oppreſſors—we can expect no relief: we do not mean to come to you for any: but we will watch you, and, if you dare to propoſe an innovation of any ſort, we ſhall call a *fair, free, and full repreſentation of the people.* Compoſed, pray how? by delegates from our Societies, to ſeek, as a General Convention of the People, redreſs from our own laws. It appears to me that the reaſoning upon this paper is ſo whole, and entire, that it is out of the power of human ingenuity to touch it.

Then they reſolve, "That a hundred thouſand copies of the "addreſs to the people of Great Britain and Ireland ſhall be "printed." Then they follow this up with the publication of a great many toaſts; and really, when one mentions ſuch a thing as toaſts in the trial of a great national cauſe, ſuch as this undoubtedly is, one is afraid of its ſinking into inſignificance, and yet this is a great feature in this cauſe. You will find that, previouſly to one of the moſt ſeditious meetings, which was ever held in this country, that it was thought of importance enough that they ſhould meet once, twice, or thrice, in committees, in order to frame toaſts, which were beſt calculated to inflame their minds, and to urge thoſe forward, who were already engaged in theſe projects—"The Rights of Man;"—"The Britiſh Con-"vention;"—"Succeſs to the arms of Freedom, againſt whom-"ſoever directed" This is during the war—againſt whom were the arms of Freedom directed, in the opinion of theſe perſons? You remember they ſaid that "the Elector of Hanover

" may join his troops to traitors and robbers; but the King of " Great Britain will do well to remember that this country is not " Hanover: ſhould he forget the diſtinction, we will not." They correſponded with the French in October; and in November 1792, they ſtate to you that the principles of their reſolutions are thoſe, upon which they meant to act,—that Great Britain was now engaged in a war—which they condemned—in which the arms of freedom, as they ſaid, had never been engaged on the part of Great Britain. Then the meaning of the toaſt is obvious. Another toaſt was—" The virtuous and ſpirited Citizens now in " confinement for matters of opinion." Now, theſe matters of opinion are acts all done in the long tiſſue and detail of a conſpiracy to ſubvert the monarchical government of this country, under its preſent legal proviſions and limitations.

The name of Mr. Froſt being mentioned, I mean him no diſreſpect in ſaying this—but it is to the purpoſe of this buſineſs to take notice of it—that Gentleman was proſecuted in this country for this doctrine—" no King, none in England, I am for liberty " and equality every where." What was the conſequence of that? The judgment of the law of England upon him was, that he was guilty of an offence: he was puniſhed: he has ſuffered that puniſhment, and made an atonement to the law: but theſe Gentlemen, who ſent Mr. Froſt with Mr. Barlow, to ſtate ſuch doctrine to France, and bring ſuch doctrine back from France, you find that they have a formal reſolution that they will ſuſtain this Mr. Froſt in all his perſecutions and proſecutions. Does that mean nothing? If Mr. Froſt is perſecuted for holding doctrines in the country, which were to put the King out of the ſyſtem, is it no evidence of intention with reſpect to thoſe, who engaged in ſuch projects, as I have mentioned, that they do come to a reſolution, in which they declare that the law, queſtioning the propriety of declarations of that kind, amounts to a perſecution, and that he ought to be ſuſtained againſt it?

Gentlemen, you will hear from witneſſes, who were preſent, what the proceedings on the 20th of January, and the general complexion and nature of them were. Mr. Martin being in the chair, and Mr. Hardy being preſent, who was a member of both

thoſe ſocieties, an attending member in both of them, I will give you Martin's account of the proceeding on the 22d of January, 1794, in a letter in his own hand writing, ſent to Maurice Margarot, at Edinburgh, who had adviſed, you will recollect, the London Correſponding Society to come to ſome ſtrong reſolutions—who had urged that *now is the time*, that *two months in Scotland would do the buſineſs*, provided they did their duty in England.

" My dear Sir, I dare ſay you think I have forgot you from " my not having written to you, but you know my ſentiments " ſo well that it was unneceſſary for me, and would probably " have been improper to ſay much on the ſubject of your miſ- " ſion"—then he ſtates ſomething about private buſineſs.

" We had a meeting on Monday, I was in the chair—the " news-paper gives our numbers at 500, but we were nearer " 1500: every thing was well conducted, that is to ſay regularly, " and the proceedings were tolerably bold. Mr. Hardy, I dare " ſay, has ſent you a copy of the addreſs and reſolution.

" Your conduct receives univerſal approbation, and though I " at one time dreaded the want of money, yet that is now over: " thoſe, who oppoſed the ſubſcription at firſt, are now putting " their hands to the very bottom of their pockets, and ſwear by " God you ſhall be ſupported with the laſt guinea—we muſt have " another general meeting in a chapel, or ſome large place, " and declare the purpoſe of a ſubſcription, and I think we ſhall " get plenty of the needful for that and other purpoſes. Have " you read my letter to Lord ———: do you incline to try the " writ of error? what do the Scotch lawyers think of it, and " what do you think of the legal knowledge of my countrymen? " I firmly believe that the law is the only ſcience, of which they " know nothing.

" The King went yeſterday to meet *his* parliament"—ſo now we have got no parliament of ours, the people of this country— " they ſat till ſix o'clock this morning: the papers are not out, " but I am told only twelve members were for peace: I am glad " the miniſter has ſo great a majority within doors for the war, " and that the people have a greater majority without doors

"against the war: the ſwiniſh rogues had the impudence to "write "no war" on all the doors and corners of the houſes of "Lords and Commons, and they had even the audacity to groan "and hiſs, while his moſt ſacred Majeſty was paſſing to and "from the Houſe—nay I am told a woman, moved and ſeduced by "the inſtigation of the devil, and traiterouſly intending, &c. did "in St. James's Park take off her patten, and threw it with all "her force at his Majeſty, whereby the glaſs of the ſtate coach "was broken, and his Majeſty put in fear: God ſave the King, "for if, &c.—as Gerald ſays"—there he leaves it.

"The ſociety is increaſing rapidly, both in ſpirit and in num-"bers, and the rich now begin to come among us, and to ſit "down with pleaſure among the honeſt men with the leathern "aprons.

"I could write to you ſtrange things, but I know not but "this may be read by ſomebody before it comes to your hands."

Gentlemen, after this had paſſed, you will find that that letter was written by the Correſponding Society to the Society for Conſtitutional Information, which I firſt mentioned to you upon the 27th of March, 1794, and now with your leave I will read a part of it to you again.

"I am directed by the London Correſponding Society to tranſ-"mit the following reſolutions to the Society for Conſtitutional "Information." I ſhould tell you firſt, in the order of time, that the Society for Conſtitutional Information diſtinctly adopt that paper of the London Correſponding Society of the 20th of January, 1794, as their own, and order it to be entered upon their books; they approve of the manly ſentiments of it, and they fully take it to themſelves, to all intents and purpoſes, as if it had been a conjunct meeting of them both. Then, the London Correſponding Society having held this language reſpecting the Convention, and upon the 24th of January the Conſtitutional Society having adopted the project of a Convention ſtated in the addreſs of the London Correſponding Society of the 20th, and the Nature of that Convention being a Convention from the affiliated ſocieties, to take upon themſelves the character of *A Convention of the People*, it would be ſurpriſing indeed if the Con-

vention,

vention, which they ſpeak of on the 27th of March, ſhould be a Convention of a different nature from that, which they had both agreed to on the 20th and 24th of January—and with that obſervation I come again to this letter of the 27th of March.

" I am directed by the London Correſponding Society to " tranſmit the following reſolutions to the Society for Conſtitu- " tional Information, and to requeſt the ſentiments of that ſo- " ciety reſpecting the important meaſures which the preſent " juncture of affairs ſeems to require. The London Correſ- " ponding Society conceives *that the moment is arrived*"—throughout the years 1791, 1792, and 1793, they thought it was not arrived—" when a full and explicit declaration is neceſſary " from all the friends of freedom—whether the late illegal and " unheard of proſecutions and ſentences ſhall determine us to " abandon our cauſe, or ſhall excite us to purſue a radical re- " form, with an ardour proportioned to the magnitude of the " object, and with a zeal as diſtinguiſhed on our parts, as the " treachery of others in the ſame glorious cauſe is notorious. " The Society for Conſtitutional Information is therefore re- " quired to determine whether or no they will be ready, when " called upon, to act in conjunction with this and other ſocie- " ties, to obtain a fair repreſentation of the people, whether they " concur with us in ſeeing the neceſſity of a ſpeedy Convention " for the purpoſe of obtaining, in a conſtitutional and legal me- " thod, a redreſs of thoſe grievances, under which we at preſent " labour,"

Now, in the firſt place, with reſpect to the words " Conſti- " tutional and legal method," theſe perſons have not much to claim upon the ſcore of the effect and force of the words " *Con- " ſtitutional* and *legal method*," which appear, through all their tranſactions of the years 1792 and 1793, and more particularly through the tranſactions of 1793, as they apply to the Britiſh Convention, in Scotland, to be thought conſiſtent with the exiſtence of a Convention of ſuch a character as that had; and, if it was their purpoſe to have a Convention of the people, by ſummonſes to affiliated ſocieties, that Convention to take upon itſelf the power of the people, it is in vain that they talk of legal and conſtitutional methods; it is in vain, if the thing they mean to

do, and the manner of doing it, is not legal or conſtitutional.—Upon this letter, I apprehend, after what has paſſed, there can be no doubt what is meant by a Convention: but it is not left there: for in the third reſolution they ſtate, that "there ought "to be immediately *A Convention of the People* by delegates"—mark the words—"deputed for that purpoſe from the different "ſocieties of the Friends of Freedom aſſembled in the various "parts of this nation."

Then here is a Convention of the ſame character, of the ſame name, and the ſame conſtitution, as that mentioned in the reſolution of the 20th of January, 1794. Now, to whom is this propoſed? It is propoſed to that Conſtitutional Society, which had adopted the addreſs of the 20th of January, 1794, and which had alſo ſaid, by approving that addreſs, that they were of opinion that redreſs was not to be obtained by the laws of England, but that they were to have redreſs againſt their oppreſſors, plunderers, and enemies, by their own laws—by that ſort of *repreſentation of the people*, which is formed by a Convention of the People, ſummoned from thoſe aſſociated ſocieties. Then what follows upon it?—though the thing is couched in phraſes, that are a little ambiguous, yet no human being, judging honeſtly, can doubt the meaning of it; it is, that there ſhall be this Convention, to act as a Convention of the people, with the power of the people, having all civil and political authority. The priſoner is ſufficiently involved already, if ſuch a Convention never had been thought of; but then the two Societies form a Committee of Correſpondence and Co-operation for the purpoſe of bringing together that Convention, which they had ſaid was the only mean, by which Britons could enjoy their liberties, or protect themſelves againſt the legitimate government of the country, including in it their plunderers, enemies, and oppreſſors.

Gentlemen, when I lay this evidence before you, if I ſtopped here, I ſhould be glad to learn why this is not a ſtep taken for the execution of ſuch a purpoſe as I have before ſtated—a ſtep taken for conſtituting a body, or a ſtep taken towards deviſing the means of conſtituting a body which was, like the Convention mentioned in the ſpeech of Barrere, to ſuperſede the legiſlature,

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to depoſe the King, to ſuffer him to have no exiſtence, but what their good will and pleaſure would allow him, againſt the will, as the language of the indictment ſtates it, and in defiance of the authority of the Parliament—to depoſe the King—for, if theſe people have the ſovereign power, and they muſt have the ſovereign power upon their own principles—the King of England cannot have it in the manner in which it is veſted in him now. He was bound to reſiſt ſuch a project as this: he owed it to every good ſubject in his country to reſiſt it—he was ſworn to do it by the ſolemn obligation of his coronation oath—you cannot therefore contemplate a caſe of his acting otherwiſe—the King, being bound to reſiſtance for the ſecurity of the ſubject, and for the ſake of obſerving his oath, for the ſake of continuing to reign according to the terms of that oath, according to the ſtatutes agreed upon in Parliament aſſembled, and the laws and cuſtoms of the ſame.

But, gentlemen, I do not ſtop here: you will find alſo that there was a meeting at Chalk Farm, the particulars of which I will not ſtate further than to ſay that, when they are read, you will ſee that that meeting at Chalk Farm was a ſtep taken in the further proſecution of the functions of that committee of co-operation—that it was a meaſure taken for the expreſs purpoſe of trying the temper of the people, of ſeeing what they could do by numbers. That meeting was held in April 1794, and it is very remarkable that it appears that there were meetings in other parts of this kingdom, more particularly it appears from a letter, found in the poſſeſſion of this priſoner, that, as there was a meeting in the open air at Chalk Farm, ſo there were meetings elſewhere—it required vigilance—it required the interpoſition of ſome ſtrong hand, by Parliament or otherwiſe, to preſerve you in the ſituation in which you now are: if it be the will of theſe perſons that you ſhall not remain in it, it is at leaſt the duty of thoſe, who are to watch over the country as long as it can exiſt, that it ſhall not be deſtroyed by any fault of their's: but you will find there were Meetings in the open air at Leeds, Wakefield, Huddersfield, Bradford, Birſtal, and at various other places. This project of a Convention had been communicated to many parts of the country, and too many of them had aſſented to it; not only

aſſented to it, but it will be proved, that the priſoner ſent a circular letter to the remoteſt parts of this kingdom, (which I will now read) for the purpoſe of aſſembling this Convention, for the purpoſe of carrying into effect the project of this Britiſh Convention, the body of which had been diſſipated, but which was ſtill carrying on its purpoſes by meaſures preciſely the ſame as thoſe which had exiſted in this part of the iſland.

You will find that the priſoner writes this circular letter to all thoſe ſocieties, and the addreſſing this circular letter to all the ſocieties, ſhews that the Convention that was to be called was not to be a Convention of the people at large, but a Convention of delegates ſummoned from thoſe ſocieties, to uſurp the character of "*a Convention of the People.*" "The critical moment is "arrived"—mark the difference of language; in 1793 the *time is not yet* come, men *are not virtuous* nor *courageous enough*; in 1792 they *expected nothing from Parliament*; in 1793 they *expected every thing from the ſocieties in due time, and* now they *aſſert that the due time is come, that the fulneſs of time is come*—"the cri- "tical moment is arrived, and Britons muſt either aſſert with "zeal and firmneſs their claims to liberty, or yield without re- "ſiſtance to the chains that miniſterial uſurpation is forging for "them. Will you co-operate with us in the only peaceable mea- "ſure"—a very peaceable meaſure a Convention of this ſort!— "that now preſents itſelf with any proſpect of ſucceſs? We need "not intimate to you that, notwithſtanding the unparalleled auda- "city of a corrupt and over-bearing faction"—Now this corrupt and over-bearing faction is the King, Lords and Commons of Great Britain—"which at preſent tramples on the rights and "liberties of the people; our meetings cannot in England be "interrupted without the previous adoption of a Convention "bill." A Convention bill!—this ſhews the reaſon for their reſolutions in Scotland about permanent ſittings, and the meeting of another Britiſh Convention, and for their language, which they held upon the 20th of January 1794; "a meaſure it is "our duty to anticipate"—mark theſe words—"our duty "to anticipate, that the ties of union may be more firmly "drawn, and the ſentiments and views of the different ſocieties "*throughout the nation* be compared"—What was their object

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in this circular letter? If, when the Britiſh Convention in Edinburgh ſat, there had been a motion for a Convention bill in the parliament of Great Britain, why their object was then we perceive that of being ready at an hour's warning; communicating in all parts of the kingdom to their delegates that ſolemn reſolution, which had been made in the Britiſh Convention upon the 6th of November, they were inſtantly, before the project of ſuch a bill could in parliament ripen out of notice of a motion into a bill once read, to be aſſembled in Edinburgh to prevent any ſuch bill paſſing; they ſolemnly vowed to each other, hand in hand, and ſtanding up, to give the greater ſolemnity to the declaration, "that the moment ſuch a bill as that was introduced "into Parliament, they would reſiſt it at the hazard of their "lives." Then what did they mean in this circular letter? they meant that, while as yet the bare expectation of a Convention bill might exiſt, while, as yet, no notice of ſuch a motion was given or heard of in Parliament—that it was their duty to anticipate what Parliament might poſſibly think of. How to anticipate it? —to anticipate it by means of a Convention aſſuming the character of a Britiſh Convention of the People, but delegated from theſe ſocieties, to ſit not at Edinburgh, but to ſit at a place, as you will find, which they durſt not name, and for the purpoſe of conducting this project with more ſecurity, as you find by this letter, to ſit at a place, that was to be kept ſecret, in order that the purpoſe might not be diſappointed. "A meaſure," they proceed ſpeaking of a Convention bill, "it is our duty to anticipate, that "the ties of union may be more firmly drawn, and the ſentiments "and views of the different ſocieties throughout the nation be "compared, while it is yet in our power, ſo as to guide and di- "rect the future operations of the friends of freedom. Rouſe "then to one exertion more, and let us ſhew our conſciouſneſs of "this important truth; if we are to be beaten down with threats, "proſecutions, and illegal ſentences, we are unworthy; we are "incapable of liberty; *we muſt, however, be expeditious*; Heſ- "ſians and Auſtrians"—here is the idea that came from Scotland again—"are already among us, and if we tamely ſubmit, a "cloud of theſe armed barbarians may ſhortly be poured in "upon us."

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The introduction of ſick men into this country for the humane purpoſe of giving them that air, which they could not obtain while on board a ſhip, is made the pretext of this letter for ſtating that "Heſſians and Auſtrians are already among us, and, "if we tamely ſubmit, a cloud of theſe armed barbarians may be "poured in upon us. *Let us form then another Britiſh Convention.*" What was that Convention? they expreſsly ſtate it to be *a Convention of the people*, and a Convention, which is to aſſume controlling powers over the legiſlature. "We have a "central ſituation in our view, which we believe would be moſt "convenient for the whole iſland, but which we forbear to "mention (entreating your confidence in this particular) till we "have the anſwer of"—whom?—"of the Societies, with which "we are in correſpondence." What, is that a Convention of the People? or of the Societies aſſuming the character of a Convention of the People? "Let us have your anſwer then." Now, give me leave to obſerve how nearly this project was to being carried into effect—"Let us have your anſwer then by the "20th at fartheſt, earlier, if poſſible, whether you approve of "the meaſure, and how many delegates you can ſend, with the "number alſo, if poſſible, of your Societies."

Gentlemen, this will be proved to you to have travelled as far as Strathaven, to have been received there, and delegates to have been appointed in conſequence of the ſolicitation, and then, as in the Britiſh Convention, in the month of November 1793, this great project of calling together a body, which was to put an end finally to the exiſtence of Parliament, was to be conducted by a Secret Committee; becauſe its operations, its aſſembling, and the means which were to be taken for it, could not be committed to numbers, a Secret Committee was then appointed. This letter ends—"for the management of this buſineſs we have "appointed a Secret Committee: you will judge how far it is "neceſſary for you to do the ſame."

Gentlemen, the next proceedings were at Chalk Farm. In theſe proceedings, it appears, they had ſtated to the Society called "The Friends of the People" this meaſure of a Convention as

that

that meaſure the Friends of the People refuſed to agree in. You will find that, refuſing to agree in that meaſure, at the meeting at Chalk Farm, when it was ſtated that the Society of the Friends of the People would not agree in it—indeed, agree in it they could not—you will find what was the reception, which the communication of that information met with—an univerſal groan from a large body of men, amounting, I believe, to a couple of thouſand there aſſembled.

Gentlemen, this Committee of Correſpondence and Co-operation, you will find, met; you will find that there is in the handwriting of the priſoner, in a very ſhort note, an account of what was done when they met; that one of the firſt ſteps towards the accompliſhment of their purpoſes, was a communication of the correſpondences of the Country Societies to thoſe, who were to be the delegates of the Conſtitutional Society; but the meeting was broke up by the apprehenſion of the priſoner and others, which has led, as I before ſtated, to this proſecution.

Gentlemen, I have before told you that I conceived it was competent for me, as indeed I apprehend without queſtion it is, after proving the conſpiracy, to ſhew the conduct of the perſons, who were parties in that conſpiracy, in furtherance of the conſpiracy, when it is proved. You will find that one of the perſons, who attended the meeting of the 20th of January 1794, and who was a very active member of the London Correſponding Society, and likewiſe one of the Committee of Correſpondence and Co-operation, which I have alluded to as the final act of this buſineſs. He gives himſelf this account of the tranſactions of the 20th of January 1794, and of other circumſtances: this is Mr. Thelwall.

"It is with infinite ſatisfaction that at laſt I received a letter "from you; it was brought this morning by Citizen Lee, and "has been delayed, I underſtand, this fortnight at Rotherhithe "by ſome accident.

"I am too well acquainted with mankind to be ſurpriſed, too "much of a philoſopher to be angry at the abuſe and miſrepre-"ſentation of miſtaken men; but I ſhall endeavour, as I wiſh

"to

" to preſerve the good opinion of a man whom I remember with " eſteem, to ſend you ſuch printed documents as will prove to " you, that, inſtead of having deſerted the cauſe of liberty, I " have redoubled my zeal, and that there is not at this time in " England a man that goes bolder lengths, and expoſes himſelf " to more danger, in the cauſe of liberty, than myſelf. I have " been for four or five months paſt almoſt the ſole labourer upon " whom the fatigue, the danger, and the exertions of the Lon- " don Correſponding Societies, the only avowed Sans Culottes " in the metropolis, have reſted, and have been otherwiſe ſo " active in the cauſe as ſcarcely to have paſſed a week without " threats and conſpiracies from the government and its purblind " adherents. Ever ſince the famous or infamous, call it which " you will, proclamation of November 1792, I have been fre- " quenting all public meetings where any thing could be done " or expected, have been urging and ſtimulating high and low, " and endeavouring to rally and encourage the friends of free- " dom. I have been conſtantly ſacrificing intereſt and ſecurity, " offending every perſonally advantageous connection, till Mi- " niſterialiſts, Oppoſitioniſts, and Moderees, hate me with equal " cordiality, and, if I may judge by their conduct, fear me as " much as they hate.

" For theſe four months, I have been giving political lectures " and printing, and appropriating the whole receipts, till the laſt " fortnight, to the ſupport of our delegates to the Britiſh Con- " vention; for the hiſtory of which I muſt refer you to Citizen " Talbot, whom I have not ſeen, but whom I hope to ſee be- " fore he leaves England."

He then gives an account of the meetings I have been ſtating to you, and of his lectures: then he ſays——

" Adieu. I will collect together what political papers I can, " to ſend to you when I can find leiſure. Do write to me; let " me know ſomething about the ſtate of politics and ſociety in " America. I fear you are ſomewhat ſhort of the true Sans Cu- " lotte liberty; that you have too much veneration for property, " too much religion, and too much law."

"I fear you are ſomewhat ſhort of the true Sans Culotte li-
"berty." Now, that is, that you have too much veneration for property, too much religion, and too much law.

Gentlemen, having now gone through the written evidence, I am to ſtate to you ſome other circumſtances. I have not indeed ſtated all the written evidence, becauſe you will have written evidence laid before you of ſtimulations, under ſingular pretexts, to theſe Societies, to arm themſelves. You will find, for inſtance, that if a debate happened in that Parliament, where they meant hereafter to ſuffer no debate, about the Heſſians and Hanoverians, they circulated among them papers, and it will be brought home to thoſe, with reſpect to whom it is ſtated to this effect—"The Ins tell us we are in danger of invaſion from "the French; the Outs tell us that we are in danger from the "Heſſians and Hanoverians: in either caſe, we ſhould arm our-"ſelves. Get arms, and learn how to uſe them."

You will likewiſe find, upon this part of the caſe, that, after the diſperſion of the Britiſh Convention in Edinburgh, after it was ſeen that the law of this country was ſtrong enough to beat down a conſpiracy of that kind, acting by their mere naked numbers, that it became then, in their opinion, neceſſary to the accompliſhment of their purpoſe, to act with arms.

Now, Gentlemen, where a general conſpiracy of this ſort, among affiliated Societies, exiſted in Scotland, Sheffield, Norwich, Mancheſter, and various parts of the kingdom, all aiming at the ſame end, all acting upon the ſame principle, all involved in the ſame project of having a Convention from the different parts of the united kingdoms, it is natural that they ſhould think of arms: but, if the conſpiracy did not exiſt, it would ſeem a very odd thing that it ſhould happen in fact that, in theſe different parts of the kingdom, in Scotland, in Sheffield, and in London, we ſhould find perſons preparing arms of a ſort, and of a denomination, which of late years we have not heard of in this country, except as exiſting in France, and except as ſtated in a letter from France, which I have read to you.

But,

But, Gentlemen, you will find, from the evidence I have to offer, and indeed it is not ſurpriſing that you ſhould ſo find—after I ſhall tell you, that in the pocket of one of the parties in this conſpiracy, and diſtributed alſo in diviſions in the London Correſponding Society, were papers, importing that upon the 1ſt of April, 1794, was to be performed, "the Guillotine, "or George's head in a baſket;" papers in which the ſacred perſon of the King is ſo ſpoken of, and in which all orders of men, under ludicrous repreſentations of them to their country, were doomed to lamp irons, and to ſuſpenſion; after I ſhall tell you, that I am inſtructed that Mr. Thelwall could, when retiring from Chalk Farm, take a pot of porter in his hand, with a knife take off the head, and ſay, "thus I would ſerve "all Kings;" if you ſhould find ſuch language uſed, I am perſuaded you will not be ſurpriſed to find pikes in the hands of theſe men, and their aſſociates—to find muſkets in the hands of theſe men and their aſſociates. Do not, Gentlemen, let us be miſled by the great doctrine of the Bill of Rights, that every man has a right to arms for his own protection—he has without queſtion a right to convenient arms for his own defence; but the point before a Jury will be, for what purpoſe had he the arms? If he attempts to ſay, that he had them for his own defence—if he had them in fact for a worſe purpoſe, the attempt to colour the fact makes the fact more criminal.

Gentlemen of the Jury, you will find that Mr. Yorke, in the month of November, 1793, will be proved to have been at one of the diviſions of the London Correſponding Society, ſtating, that he was going among the ſons of liberty into Belgium, to bring into this country the true friends of liberty. You will find that he was a member of the London Correſponding Society, and conſtituted a delegate of the Conſtitutional Society to Scotland; that he has been propagating at Sheffield the ſame doctrine, as his brother aſſociates were propagating in London; that he was there directing the form, in which pikes ſhould be made, to perſons, who were to make *ſuch* inſtruments; that the perſons at Sheffield

l enter into a correſpondence with the priſoner at the
at they inform him that theſe pikes are made; that he
the direction to perſons of the Correſponding Society,
· that they may furniſh themſelves with theſe inſtru-
and that they were to be furniſhed from Sheffield to a
ere, I think, the Parrot, in Green Arbour-alley, or
her place in this town; and that, if the apprehenſion of
rſons here, and at Sheffield, had not put an end to the
execution of the project, there would have been a large
tion of theſe pikes into this part of the kingdom.

tlemen, you will find that this idea of arms was carried
; you will find that, for the uſe of this ſociety, a plate
gures, ſhewing the manner of learning the military exer-
as engraved by a Mr. Worſhip, a member of this ſociety.
rill find that there was a Military Society in Lambeth,
ther in Turnſtile, Holborn; they were ſmall in their
ings, I admit; but theſe things muſt be ſo in their be-
gs; and you will find, that the priſoner at the bar gave to
ſs of the name of Edwards, a direction of whom to ob-
kes at Sheffield. Mr. Williams, another witneſs, who
called to you, who is a gun engraver in the tower, made
ets for the uſe of theſe ſocieties in Lambeth, and in
ile, with an expreſs proteſt that he ſhould not become em-
, unleſs he himſelf became a member of the Societies. You
nd accordingly that he did become a member of them.
rill find that they drilled at particular places. Gentlemen,
you this outline of this part of the evidence, becauſe I
wiſh to enter more into the particulars, than to give you
ral impreſſion of the nature of the caſe, which I have to
ore you.

ı will likewiſe ſee, what is natural enough to happen,
you find in the book of the Society for Conſtitutional In-
ion, that Mr. Horne Tooke could think of giving notice,
: would move " that two books ſhould be opened, one of

"them (bound in black) in which ſhould be entered all the "enormities of thoſe, who deſerve the cenſure; and in the "other, the merits of thoſe, who deſerve the gratitude of the "ſociety." You will not be ſurpriſed, if you ſhould find perſons in theſe affiliated ſocieties, of lower deſcriptions, holding converſations about ſeizing the moſt auguſt perſons in the nation; if you ſhould hear of their holding converſations about the ſituation of perſons in the Houſe of Commons, and the means, by which they could know their perſons.

Upon the whole, Gentlemen of the Jury, I ſhall now lay the teſtimony before you, ſubmitting this written evidence to you, calling witneſſes, above all exception, to a great part of the caſe; calling ſome witneſſes, whom I now avow to you, you will find, were perſons employed by Government to watch over the proceedings of theſe Societies, and who therefore became informed, in conſequence of ſuch employment, of ſome of their tranſactions; and Government would have been wanting to itſelf, and would have been wanting to a degree of criminality, which no man can deſcribe, if this country had at this moment been in the ſtate, in which it would have been, if theſe pikes had been brought into actual exertion.

At Sheffield, indeed, I am told they had got to the length of forming iron inſtruments, which were to diſable horſe, which they called Night-cats, and which would immediately inſert themſelves into the hoofs of horſes feet. I ſay, if, with theſe projects going on in the country, a Secretary of State, or any other perſon in the Executive Government, had heſitated a moment to procure information, theſe parties might have been able to put into execution the projects they were meditating, and he would have been anſwerable for it.

Gentlemen, it is the great province of a Britiſh Jury, and God forbid theſe priſoners ſhould not have the benefit of the reflection, that Britiſh Juries are able to protect us all—are able

to

to ſift the characters of witneſſes—to determine what credit is due to them—liſtening to men of good character without any impreſſion againſt their evidence—liſtening to men, ſuch as I have ſtated, with a ſtrong impreſſion againſt their evidence; that impreſſion, however, to be beat down by the concurrent unſuſpicious teſtimony ariſing out of the reſt of the caſe, if, upon the whole, you ſhould find the caſe to be made out as I have ſtated it to you.

Gentlemen, I forgot to mention to you, that you will likewiſe find, about the time that this Convention was talked of, that there was a new conſtitution framed for the Correſponding Society, in which they ſpeak of a Royaliſt as an enemy to the liberties of his country—of a Democrate, as a friend to the liberties of his country; and you will find, that, in a conſtitution again reviſed, the whole was thrown into a ſcheme, and into a ſyſtem, which was to add phyſical ſtrength to the purpoſes of that Convention, which was, I ſubmit to you, to aſſume all civil and political authority.

If you find all theſe things, and, if under the direction of that wiſdom that preſides here, with reſpect to which, Gentlemen, let me ſay again, that the ſituation of this country is indeed reduced to a moſt miſerable one, if the reſpect, which is due to the adminiſtration of the law, is ſuffered to be weakened in any manner, if the reſpect, which is due to the adminiſtration of the law, that adminiſtration, which perhaps is the beſt feature of the conſtitution, under which we live, is deſtroyed, miſerable indeed muſt be the ſituation of your country! If you find under that direction that the caſe, being proved in fact, is alſo made out in law, you will do that on behalf of the public which is due to Yourſelves, to the Public, to your Poſterity, and theirs.

But on the other hand, if, after hearing this caſe fully ſtated, and attempted to be fully proved, you ſhould be of opinion that it is not proved, or you ſhould be finally of opinion that the offence is not

not made out, according to the *hallowed* interpretation of th ſtatute of Edward III.; I ſay then, in the concluſion, I join from my heart, in the prayer which the law makes on behal of the priſoner, God ſend the priſoner a ſafe deliverance!

EVIDENCE FOR THE CROWN.

Mr. Thomas Maclean. (*Sworn.*)

Examined by Mr. Bower.

Q. WHAT are you?

A. One of his Majeſty's Meſſengers.

Q. Did you at any time go to the houſe of Mr. Daniel ms?

A. I did.

Q. When did you go to Mr. Adams's houſe?

A. On the 12th of May laſt.

Q. Did you ſeize any books or papers there?

A. Both books and papers.

Q. What did you do with them?

A. I kept them in my own poſſeſſion till I had marked n all.

Q. Look at this letter, ſigned T. Hardy, and tell me whe it is one of the papers you ſeized in Mr. Adams's houſe?

A. It is.

Alexander Grant. (*Sworn.*)

Examined by Mr. Bower.

Q. Do you know the priſoner at the bar, Thomas Hardy?

A. Yes.

Q. Have you ever ſeen him write?

A. I have ſeen him write.

Q. Do you know his hand-writing?

A. Yes.

Q. Look at that letter, and tell me whether you believe it to priſoner's hand-writing?

A. I never ſaw this letter, ſo I cannot ſay.

Q. Do you or not believe it to be his hand-writing?

A. I cannot take my oath to it.

Q. I am not aſking you to ſay certainly, but according to the beſt of your belief is that his hand-writing?

A. I cannot take upon me to ſwear that it is his hand-writing.

Q. You are not aſked to ſwear that it is his hand-writing, but whether you believe it to be his hand-writing?

A. I believe it to be his hand, but I cannot ſwear it.

[*The letter read.*]

"To the Secretary of the Society for Conſtitutional Information.

"*March* 27, 1794.

"Citizen,

"I am directed by the London Correſponding Society to "tranſmit the following reſolutions to the Society for Conſtitu- "tional Information, and to requeſt the ſentiments of that So- "ciety reſpecting the important meaſures which the preſent "juncture of affairs ſeems to require. The London Correſ- "ponding Society conceives that the moment is arrived when a "full and explicit declaration is neceſſary from all the friends of "freedom, whether the late illegal and unheard of proſecutions "and ſentences ſhall determine us to abandon our cauſe, or "ſhall excite us to purſue a radical reform with an ardour pro- "portioned to the magnitude of the object, and with a zeal as "diſtinguiſhed on our parts as the treachery of others in the ſame "glorious cauſe is notorious; the Society for Conſtitutional Infor- "mation is therefore required to determine whether or no they "will be ready, when called upon, to act in conjunction with "this and other Societies, to obtain a fair repreſentation of the "people; whether they concur with us in ſeeing the neceſſity of a "ſpeedy Convention, for the purpoſe of obtaining, in a con- "ſtitutional and legal method, a redreſs of thoſe grievances "under which we at preſent labour, and which can only be "effectually removed by a full and fair repreſentation of the "people of Great Britain. The London Correſponding Society "cannot but remind their friends, that the preſent criſis de- "mands all the prudence, unanimity, and vigour, that ever was "or can be exerted by men and Britons; nor do they doubt "but that manly firmneſs and conſiſtency will finally, and, they

"believe,

" believe, ſhortly terminate in the full accompliſhment of all " their wiſhes.

" I am, fellow Citizen, (in my humble meaſure)
" A Friend to the Rights of Man,
" T. HARDY, Secretary."

" Reſolved unanimouſly, 1. That, dear as juſtice and " liberty are to Britons, yet the value of them is comparatively " ſmall without a dependence on their permanency, and there " can be no ſecurity for the continuance of any right but in " equal laws.

" 2. That equal laws can never be expected but by a full " and fair repreſentation of the people; to obtain which, in the " way pointed out by the Conſtitution, has been and is the ſole " object of this Society; for this we are ready to hazard every " thing, and never but with our lives will we relinquiſh an ob- " ject which involves the happineſs, or even the political exiſt- " ence, of ourſelves and poſterity.

" 3. That it is the decided opinion of this Society, that " to ſecure ourſelves from future illegal and ſcandalous proſecu- " tions; to prevent a repetition of wicked and unjuſt ſentences, " and to recal thoſe wiſe and wholeſome laws that have been " wreſted from us, and of which ſcarcely a veſtige remains, " there ought to be immediately a Convention of the People, " by Delegates deputed for that purpoſe from the different So- " cieties of the Friends of Freedom, aſſembled in the various " parts of this nation, and we pledge ourſelves to the public to " purſue every legal method ſpeedily to accompliſh ſo deſirable " a purpoſe.

" Poſtſcript. I have to inform you, that a General Meet- " ing of the Society will be holden on Monday the 14th of " April, the place to be announced by public advertiſement."

Mr. John Gurnell. (*Sworn.*)

Examined by Mr. Bower.

Q. You are, I believe, one of his Majeſty's meſſengers?

A. Yes.

 " *Q.* Did

Q. Did you at any time, and when, go to the houſe of Mr. Hardy?

A. I went with a warrant from the Secretary of State on the 12th of May in the morning.

Q. Did you ſeize any papers or books there?

A. We ſeized ſome papers in a back room behind his ſhop.

Q. Did you mark the papers you had ſeized?

A. Yes.

Q. Is this one of the papers you ſeized?

A. Yes.

Q. To *Alexander Grant*—Is this the priſoner's hand-writing?

A. This paper is various from the laſt; there is a difference in them.

Q. Do you believe it is his hand-writing?

A. I am of opinion it is his hand-writing; but I cannot ſwear that it is.

[*The paper read.*]

"*Friday, April* 4, 1794.

"A conference with the Society for Conſtitutional Informa-
"tion—preſent, Daniel Adams, Secretary, Mr. Kyd, Mr. Hol-
"croft, Mr. Joyce, Mr. Wardle, and Mr. Sharp. From the
"Correſponding Society—Mr. Moore in the chair, Mr. Baxter,
"Mr. Lovett, Mr. Hodgſon, Mr. Thelwall, and Mr. Hardy,
"Secretary.—A motion for communicating to the Committee
"the Letters of communication from the Societies in the country
"to the London Correſponding Society; reſolved, that the dele-
"gates be requeſted to communicate all the information they can
"at the next meeting, relative to the ſtate of the different So-
"cieties aſſociated for obtaining a fair repreſentation of the
"people. Adjourned to Monday evening, No. 2, Beaufort-
"buildings, in the Strand."

Q. Is there any thing ſtruck out.

Mr. Shelton. Robinſon's coffee-houſe is ſtruck out, and No. 2, Beaufort-buildings, is inſerted in a different hand.

Mr. Maclean. I found this letter at Mr. Adams's.

Alexander Grant ſaid he believed it to be the priſoner's hand-writing.

" To Citizen Adams, Secretary to the Society for Conſtitu-
" tional Information.

" *April the* 10*th*, 1794.

" I am ordered by the Committee of Delegates of the London " Correſponding Society to inform the Society for Conſtitutional " Information, that they approve of the reſolutions of the Com- " mittee of Conference.

" Therefore the London Correſponding Society have choſen " (five perſons) to put in practice immediately the ſecond and " third reſolutions of the Committee.

Mr. Bower. My Lord, we read theſe two papers for the ſake of bringing theſe parties together; now I ſhall produce the papers found in the priſoner's cuſtody.

Mr. John Gurnell. I found this paper in the priſoner's houſe.

Alexander Grant ſaid he believed it to be the priſoner's hand-writing.

[*The paper read.*]

" A parliamentary reform is that which of all other things, in " our opinion, deſerves the attention of the public. We are " more and more convinced, by every day's experience, that the " reſtoring the right of voting univerſally to every man, not in- " capacitated by nature, for want of reaſon, or by law for the " commiſſion of crimes (together with annual elections) is the " only reform that can be effectual and permanent. As Provi- " dence has kindly furniſhed men in every ſtation with faculties " neceſſary for judging of what concerns themſelves, it is ſome- " what ſtrange that the multitude ſhould ſuffer a few, with no " better intellects than their own, to USURP the important power " of governing them without controul.

" It has been a long and very juſt complaint, that a very great " majority of the people of this country are *not* repreſented in " Parliament; that the majority of the repreſentatives of the " whole nation are choſen by a number of voters not exceeding " *twelve thouſand*. Many large and populous towns have not a " ſingle vote for a repreſentative, ſuch as Birmingham, contain- " ing about 40,000 inhabitants, Mancheſter above 30,000, " Leeds above 20,000, beſides Sheffield, Bradford, Wolverhamp- " ton, Halifax, &c. &c.

 " Let

" Let us look at the metropolis, and see what a great majority " of the inhabitants have not a single vote. Those facts are solid " evidences, therefore need no comment. The views and inten- " tions of this Society are to collect the opinion and know the " determination (as far as possible) of the unrepresented of the " people. They certainly are the persons most aggrieved, and " have the greatest right to come forward like men, and say— " GIVE US OUR RIGHTS; and, if they are united and firm, " where or who are they that dare oppose them in their deter- " minations?

" From these considerations we have come to the following " RESOLUTIONS:

" 1. That a Society be instituted under the title of the Cor- " responding Society, for restoring the right of the unrepresented " people of Great Britain.

" 2. That each member shall pay at least one penny per week " towards the expence of the Society.

" 3. That as soon as twenty members shall be associated, " a general meeting shall be called, at which the laws and regu- " lations necessary for the good government of the Society shall " be established, and such officers appointed as may be thought " necessary.—[*This Resolution was struck out.*]

" 4. That a committee be appointed to correspond with any " and every Society that may be formed in Great Britain, with a " view of promoting the objects of this Society.

" 5. That no person shall be proposed to be a member of this " Society (after the first general meeting) unless he be recom- " mended by one member, and the proposal seconded by ano- " ther.—[*This Resolution was struck out.*]

" 6. That each member's name and place of abode be entered " regularly in a book kept for that purpose.

" 7. That all proceedings of the Society and its committee be " fairly transcribed into proper books for that purpose, by the " Secretary, from the rough minutes, against the next meeting of " the Society and Committee.

" 8. That no one be admitted a member under the age of " twenty-one years, nor any who has not resided in Great Bri- " tain for one year."

Mr.

Mr. Shelton. This follows in another hand.

" The Society divided into dozens, not to exceed twenty. " New members to be admitted in each diviſion of the Society by " a majority. When ſeven members are preſent, the delegate " and chairman of the diviſion to be neceſſarily one of the elec- " tors."

Mr. Edward Lauzun. (*Sworn.*)

Examined by Mr. Garrow.

Q. You are a King's meſſenger?

A. One of his Majeſty's extraordinary meſſengers.

Q. Did you go to the houſe of the priſoner?

A. Yes.

Q. When?

A. On the 12th of May.

Q. Did you ſeize any papers?

A. Yes; a vaſt quantity of papers. I marked every one of the papers.

Q. Look at that letter; did you find that in the houſe of the priſoner?

A. I did.

Alexander Grant ſaid he believed it to be the priſoner's hand-writing.

Copy of a Letter to Mr. Buchanan, at Edinburgh.

" Sir,

" I am directed by the London Correſponding Society to ſend " a few copies of their addreſs and reſolutions to the Society for " a Reform of Parliamentary Repreſentation at Edinburgh; like- " wiſe I have to inform you of their wiſh to enter into corre- " ſpondence, and be in cloſe connexion with your Society: as our " cauſe is one, our ſentiments ought to be known to each other, " and act with one heart in a matter of ſuch vaſt importance. " We began this Society laſt January; and, ſince we publiſhed " our declaration and reſolutions, we have increaſed ſo rapidly in " number and reſpectability, that we were under the neceſſity " of dividing into different companies to meet at ſeparate houſes, " and each diviſion ſends a delegate to meet as a Committee, to " tranſact the buſineſs of the whole Society. The indorſed papers

" will inform you more fully of the principles we ſet out upon. Be " ſo good as to deliver them to the Preſident or Secretary of your " Society. As I know you to be a friend of freedom, you will " endeavour to promote a union between the two Societies; for, " by uniting together, we ſhall become ſtronger, and a three-" fold cord is not eaſily broken.

" I am, Sir, with great reſpect,

" Your moſt humble Servant,

" THOMAS HARDY, Secretary.

" *Auguſt the* 20*th*, 1792."

Mr. Lauzun. This is one of the papers I ſeized at the priſoner's.

Alexander Grant ſaid he believed it to be the priſoner's hand-writing.

" Mr. Samuel Jackſon, Secretary, to the Mancheſter Conſti-" tutional Society,

" SIR,

" The London Correſponding Society has this day directed me " to acknowledge the receipt of your favour of the 14th of May, " and to return their thanks to the Mancheſter Conſtitutional " Society, for the readineſs they expreſs to enter into a corre-" ſpondence with us, as alſo for the book of rules, &c. that ac-" companied your letter. We ſhould not ſo long have delayed " profiting by their condeſcenſion, had any thing worthy " communication occurred; the firſt ſlender opportunity that " offers we eagerly ſeize, and beg your acceptance of the en-" cloſed dozen copies of an addreſs to the public, which we hope " will meet your approbation.

" I have the pleaſure of informing you that our Society in-" creaſes daily, and that the people in general begin to diveſt " themſelves of their deep-rooted prejudices, the public mind at-" tends more calmly and attentively now than formerly to pro-" poſals for a parliamentary reform; moſt men ſee the neceſſity " of it, but, unfortunately, many are yet over-cautious in en-" gaging their aſſiſtance towards it; however, I believe I may

" venture

" venture to aſſert that partial intereſt will ſoon give way to
" public good.

" I am, with great reſpect,
" Your very humble Servant,
" THOMAS HARDY, Secretary.

" *September* 4, 1792."

Indorſed " copy of a letter to Mancheſter, Sept. 4, 1792."

Mr. Lauzun. This is one of the papers I found in the houſe of the priſoner.

Alexander Grant ſaid he believed it to be the priſoner's hand-writing.

[*The letter read.*]

Indorſed " Copy of a Letter to Mr. Favell, Chairman of the
" Borough Society, Auguſt 23, 1792."

" Mr. Favell, Chairman to the Borough Society of the Friends
" of the People.

" SIR,

" The London Correſponding Society herewith tranſmits to
" the Society of the Friends of the People, 50 copies of an ad-
" dreſs to the inhabitants of Great Britain on the ſubject of a
" parliamentary reform.

" We were in hopes that, as both our Societies profeſs to have
" the ſame object in view, the delegates of the Friends of the
" People would, by viſiting our Committee, as agreed upon in
" our laſt viſit to them, have kept up an advantageous inter-
" courſe of the two Societies, and ſtrengthened the common
" cauſe by a cloſer union, and freer communication of our mutual
" endeavours. We are, however, inclined to hope their abſence
" has not proceeded from any relaxation of zeal towards the pub-
" lic good, nor of diminution of friendſhip towards a Society in
" whoſe name we have the pleaſure of ſubſcribing ourſelves,

" Dear Sir, your ſincere friends and well-wiſhers,
" Mr. MARGAROT, Chairman.
" T. HARDY, Secretary.

" No. 9, Piccadilly,
" *Auguſt* 23, 1792."

Alexander

Alexander Grant ſhewn another paper, ſaid he believed it to be the hand-writing of the priſoner, 23d Auguſt, 1792.

Copy of a Letter to Major Cartwright, Chairman of the London Conſtitutional Society, Auguſt 23, 1792.

"Major Cartwright, Chairman of the London Conſtitutional "Society.

"SIR,

"In hopes that our zeal for the advancement of the cauſe of "freedom will, with the public, in ſome meaſure counter-"balance the want of merit in the incloſed production, the Lon-"don Correſponding Society takes the liberty of tranſmitting to "the Society for Conſtitutional Information a few copies of an "addreſs to the inhabitants of Great Britain, on the ſubject of a "parliamentary reform.

"If it is found to contain nothing repugnant to ſound reaſon or "juſtice, if it may any ways tend to accelerate a radical reform, "and if it is ſo fortunate as to meet the approbation of the Lon-"don Conſtitutional Society, our honeſt, though feeble, endea-"vours, we ſhall deem amply rewarded.

"With great reſpect and eſteem, we have the honour to be, "for the Committee of the London Correſponding Society,

"SIR,

"Your very humble Servants,

"Mce. MARGAROT, Chairman.

"THO. HARDY, Secretary.

"No. 9, Piccadilly,

"Thurſday, 23d Aug. 1792."

Indorſed "copy of a letter to Major Cartwright, Chairman of "the London Conſtitutional Society."

Mr. Bower. We will now read the addreſs.

Lauzun. I found this paper in the priſoner's houſe.

[*It is read.*]

"The London Correſponding Society's Addreſs and Reſolutions "of the 24th of May, 1792; reprinted and diſtributed "gratis.

"Aſſured that man, individual man, may juſtly claim liberty "as his birthright, we naturally conclude that, as a member of "ſociety,

" ſociety, it becomes his indiſpenſable duty to preſerve inviolate " that liberty for the benefit of his fellow-citizens, and of his " and their poſterity.

" For, as in aſſociating, he gave up certain of his rights, in " order to ſecure the poſſeſſion of the remainder, and *voluntarily* " yielded up only as much as was neceſſary for the general " good—ſo he may not barter away the liberties of his poſterity, " nor deſert the common cauſe by *tamely* and *ſupinely* ſuffering " to be purloined from the people of whom he makes a part, " their natural and unalienable RIGHTS OF RESISTANCE TO OP- " PRESSION, and of SHARING IN THE GOVERNMENT OF THEIR " COUNTRY; without the full and uninterrupted exerciſe of " which RIGHTS, no man can with truth call himſelf or his " country free.

" Yet of late, the very men who have dared to oppreſs the " nation, have alſo dared to advance, that *all reſiſtance to their* " *oppreſſion is illegal*; while, on the other hand, FRAUD OR FORCE, " ſanctioned by cuſtom and blind ſubmiſſion, has withdrawn, " and now withholds, from a very great majority of the tax- " paying, induſtrious and uſeful inhabitants of Great Britain, " the RIGHT of ſharing in the government of *their own* com- " monwealth, and in the management of *their own* intereſts.

" The *few* who are now permitted to elect repreſentatives, " and thoſe who are choſen by this *ſmall number of electors*, diſ- " grace the country at large, by *buying* and *ſelling* votes, by *cor-* " *rupting* and being *corrupted*—the former by their behaviour at " elections, and the latter by their conduct in the ſenate—more " than ſufficient to prove, that THE NATION IS UNREPRE- " SENTED, and that THE PRESENT SYSTEM IS TOTALLY UNCON- " STITUTIONAL—if by the word conſtitution, any thing is meant.

" Rouſed at laſt from their torpor, and eager to remedy the " evil,—various, numerous, and reſpectable ſocieties have been " formed by the people, in different parts of the kingdom, " ſeveral have alſo ariſen in the metropolis; and among them *the* " *London Correſponding Society*, with modeſty, but with firm- " neſs, claim the attention of their country to the following " reſolutions:

" Reſolved,

" Reſolved,

" I. That every individual has a right to ſhare in the govern-
" ment of that ſociety of which he is a member—unleſs inca-
" pacitated.

" II. That nothing but non-age, privation of reaſon, or an
" offence againſt the general laws of ſociety, can incapacitate
" him.

" III. That it is no leſs the RIGHT than the DUTY of every
" citizen to keep a watchful eye on the government of his coun-
" try, that the laws by being multiplied do not degenerate into
" *oppreſſion*; and that thoſe who are entruſted with the govern-
" ment, do not ſubſtitute *private intereſt* for *public advantage*.

" IV. That the people of Great Britain are not *effectually*
" repreſented in parliament.

" V. That, in conſequence of a *partial*, *unequal*, and there-
" fore *inadequate repreſentation*, together with the corrupt method
" in which repreſentatives are elected; *oppreſſive taxes*, *unjuſt*
" *laws*, *reſtrictions of liberty*, and *waſting of the public money*, have
" enſued.

" VI. That the only remedy to thoſe evils, is a fair, equal,
" and impartial repreſentation of the people in parliament.

" VII. That a fair, equal, and impartial repreſentation can
" never take place until *all partial privileges* are aboliſhed.

" VIII. That this Society do expreſs their abhorrence of tu-
" mult and violence—aiming at reform, not anarchy—reaſon,
" firmneſs, and unanimity, are the only arms they themſelves
" will employ, or perſuade their fellow-citizens, to exert,
" againſt ABUSE OF POWER.

" Signed by order of the Committee,

T. HARDY, Secretary.

" *April 2d*, 1792."

" The London Correſponding Society to the Nation at large.

" Whereas it is notorious, that very numerous burthenſome
" and unneceſſary taxes are laid on the perſons and families of us

" and

" and others, the induſtrious inhabitants of Great Britain, an " exceedingly great majority of whom are, notwithſtanding, ex- " cluded from all repreſentation in parliament.

" And as upon inquiry into the cauſe of this grievance, which " is at once an obſtruction to our induſtry, and diminution of " our property, we find that the conſtitution of our country " (which was purchaſed for us at the expence of the lives of our " anceſtors) has, by the violence and intrigue of criminal and de- " ſigning men, being injured and undermined in its moſt eſſen- " tial and important parts: but particularly in the houſe of " commons, where the whole of the ſuppoſed repreſentation of " the people is neither more nor leſs than an uſurped power, " ariſing either from abuſes in the mode of election and duration " of parliaments, or from a corrupt property in certain decayed " corporations, by means of which the liberties of this nation " are baſely bartered away for the private profit of members of " parliament.

" And as it further appears to us, that until this ſource of " corruption ſhall be cleanſed by the information, perſeverance, " firmneſs, and union of the people at large, we are robbed of " the inheritance ſo acquired for us by our forefathers: and that " our taxes, inſtead of being leſſened, will go on increaſing; " inaſmuch as they will furniſh more bribes, places, and pen- " ſions to our miniſter and members of parliament.

" It being reſolved by us, the members of this ſociety, to " unite ourſelves into one firm and permanent body, for the " purpoſe of informing ourſelves and others of the exact ſtate " of the preſent parliamentary repreſentation—for obtaining a " peaceful but adequate remedy to this intolerable grievance—; " and for correſponding and co-operating with other ſocieties " united for the ſame objects, The following regulations for " the internal order and government of our ſociety, have been " unanimouſly adopted:

" Firſt. That every perſon, before he is admitted, ſhall be " propoſed by two members, and ſhall anſwer in the affirmative " to the three following queſtions, viz.

" Queſtion

" Queſtion I. *Are you convinced that the parliamentary repre-*
" *ſentation of this country is at preſent inadequate and imperfect?*

" Q. II. *Are you thoroughly perſuaded that the welfare of theſe*
" *kingdoms requires that every perſon of adult years, in poſſeſſion of*
" *his reaſon, and not incapacitated by crimes, ſhould have a vote for*
" *a member of parliament?*

" Q. III. *Will you endeavour, by all juſtifiable means, to pro-*
" *mote ſuch reformation in parliament?*

" Secondly. That the whole body ſhall go under one com-
" mon name of *the London Correſponding Society, united for the*
" *reform of parliamentary repreſentation.*

" Thirdly. That for the more eaſy and orderly proceeding of
" the Society, it be ſeparated into as many diviſions as there ſhall
" be thirty members to make up the number requiſite for ſuch
" diviſion. And that no diviſion ſhall divide again, till it
" amount to double ſuch number of members; at which time
" notice ſhall be given to the committee of delegates hereafter
" mentioned, by the then delegates of ſuch diviſion.

" Fourthly. That each diviſion ſhall meet weekly, on any
" evening (Thurſday excepted) at ſome houſe to be choſen by
" themſelves, and appoint a chairman for the good order thereof;
" and alſo ſhall name a delegate as hereafter mentioned.

" Fifthly. That each member ſhall pay to the ſecretary of
" his diviſion one penny per week, or one ſhilling and a penny
" per quarter; which ſhall be credited to the account of ſuch
" member in a book to be kept for that purpoſe. That all
" money ſo paid ſhall be tranſmitted monthly, by the delegate of
" ſuch diviſion, to the treaſurer, who is to account with the
" body of delegates for the ſame, on the four uſual quarter-days.

" Sixthly. That the ſums ſo paid to the ſaid treaſurer ſhall
" form one common ſtock, to be applied by the ſaid delegates
" in the poſtage of letters, in ſtationary, and in printing ſuch
" matters as may be good for the information of the ſociety.
" But that before any expence whatever ſhall be incurred, the
" ſaid delegates ſhall enquire of the treaſurer what balance he has
" in hand.

" in order to vote for the repreſentative of his county. But the " ſtatute of that king, paſſed in the year 1429, under pretence " of preventing diſputes at elections, moſt unjuſtly deprived a " great part of the commons of this nation of the right of con- " ſenting to thoſe taxes which, notwithſtanding, they were " compelled to pay, juſt as if ſuch right had not been taken from " them.

" Till the reign of Queen Anne, it was not neceſſary for the " inhabitant of a county to have 600l. a year, freehold or copy- " hold eſtate, in order to his being elected the repreſentative of " his county. But the ſtatute of that queen, paſſed in the year " 1710, under pretence of the freedom of parliament, excluded " all perſons not poſſeſſed of ſuch a property from our repreſen- " tation, whatever be their principles, their abilities, or their " integrity.

" Till the reign of William III. parliaments were of RIGHT to " be called *once a year*, or oftener if need be. But the ſtatute " of that king, paſſed in the year 1694, under pretence of call- " ing them more frequently, enacted, that they ſhould be holden " once in *three years* at the leaſt.

" Till the reign of George I. parliaments were therefore of " three years duration. But the ſtatute of that king, paſſed in " the year 1715, under pretence of a 'reſtleſs faction' then ex- " iſting in the nation, uſurped a power of enacting, that 'par- " liament ſhould reſpectively have continuance for ſeven years.'

" As for the ſuppoſed repreſentation of the people, which is " called the 'Commons of England in Parliament aſſembled;'

" The county of Cornwall contains in itſelf alone the privi- " lege of ſending *forty-four* members to parliament, which is " juſt one leſs in number than thoſe of the whole kingdom of " Scotland, containing upwards of three millions of people.

" Of theſe *forty-four* ſuppoſed repreſentatives, two are elected " by the freeholders of the county: the reſt ſit for twenty-one " corporation towns; of which

" Launceſton

	Electors.	
Launceſton *has only*	10	*and is the property of* Lord Elliot
Leſkeard	9	Ditto
Leſtwithiel	7	D. of Northumberland
Truro	13	Lord Falmouth
Bodmyn	18	Sir Francis Baſſet
Helſton	3	D. of Leeds, &c.
Saltaſh	16	Sir Francis Baſſet
Eaſt Loe	20	Judge Buller
Weſt Loe	20	Judge Buller
Grampound	30	Lord Somers, &c.
Camelford	6	Lord Camelford
Penrhyn	50	Sir Francis Baſſet
Tregony	50	Lord Hertford
Boſſiny	20	Lord Bute
St. Ives	60	Mr. Praed
Fowey	26	Prince of Wales, &c.
St. Germains	6	Lord Elliot
St. Michael	14	D. of Northumberland
Newport	30	Lord Lovaine
St. Mawes	15	M. of Buckingham
Callington	30	Lord Falmouth

Electors 453, Members 42.

" To theſe we might add, of the ſame deſcription, 28 corporations, conſiſting of 354 electors, which ſend 56 members " to that houſe of commons, which is ſo frequently and ſo " falſely called the democracy of the nation; while the towns " of Sheffield, Mancheſter, Birmingham, Leeds, Wolverhampton, &c. containing above three hundred thouſand people, " have no electors or repreſentatives whatever.

" Upon the whole it appears, that 257 ſuppoſed repreſentatives " of the people, making a majority of the houſe of commons, " are returned by a number of voters, not exceeding the thouſandth part of the nation.

" But as Providence has kindly furniſhed men, in every ſtation, " with faculties neceſſary for judging of what concerns themſelves, " ſhall we, the multitude, ſuffer a few, with no better right than " ourſelves, to uſurp the power of governing us without controul?

" Surely

" Surely not!—Let us rather unite in one common cauſe, to " caſt away our bondage; being aſſured, that in ſo doing, we " are protected by a jury of our countrymen, while we are diſ- " charging a duty to ourſelves, to our country, and to man- " kind.

" Ordered, That the Secretary of the ſociety, do tranſmit " copies of the above to all the ſocieties in the nation, engaged " in the ſame cauſe.

" *London, May* 24, 1792."

" *Addreſs from the London Correſponding Society, to the Inha-* " *bitants of Great-Britain, on the ſubject of a Parliamentary* " *Reform.*

" FELLOW-CITIZENS,

" Of every rank and of every ſituation in life, rich, poor, " high or low; we addreſs you all as our brethren, on a ſubject " of the higheſt importance, and moſt intimately connected with " the welfare of every individual who deems Liberty a bleſſing, " who partakes in the proſperity of his country, and who wiſhes " to tranſmit as much of either as he poſſibly can, to poſterity.

" Uninfluenced by party pique or ſelfiſh motives—no ways " affrighted at the frowns of power—not in the leaſt awed by " the evidently hoſtile preparations of a much alarmed Ariſto- " cracy, we, the *London Correſponding Society*, united with a " view of obtaining a THOROUGH PARLIAMENTARY REFORM, " anxiouſly demand your ſerious and moſt collected attention to " the preſent VITIATED ſtate of the Britiſh Government, we " entreat you to examine coolly and impartially the numerous " abuſes that prevail therein, their deſtructive conſequences on " the poor, and their evil tendency on all; as alſo the rapidity with " which theſe abuſes encreaſe both in number and magnitude.

" We next ſubmit to your examination an effectual mode of " putting a ſtop to them, and of thereby reſtoring to our no leſs " boaſted than impaired Conſtitution, its priſtine vigour and " purity; and we thereunto warmly ſolicit the junction of your " efforts with ours.

" This great end however we believe attainable, ſolely, by " the whole nation deeply impreſſed with a ſenſe of its wrongs, " uniting,

" uniting, and as it were with one voice demanding of thoſe to
" whom for a while it has entruſted its Sovereignty, a reſtoration
" of, ANNUALLY ELECTED PARLIAMENTS, UNBIASSED AND
" UNBOUGHT ELECTIONS, AND AN EQUAL REPRESENTATION
" OF THE WHOLE BODY OF THE PEOPLE.

" Leaving to the enemies of Freedom, all violent, tumultuous,
" and unconſtitutional proceedings, we invite you to peaceful,
" well-regulated, and neighbourly meetings, wherein induſtrious
" worthy Citizens may as honeſt men, as good patriots, in a
" reaſonable and ſenſible manner, laying aſide prejudice, ſeriouſly
" and earneſtly take into conſideration their rights, and the wel-
" fare of the preſent and ſucceeding generations.

" As men can never barter away the rights of their poſterity—
" as encroachments on Liberty or Property ceaſe not to be
" grievances from their being cuſtomary and of long-ſtanding—
" and as a grievance is not the leſs felt for being denied by thoſe
" who cauſe it—feeling grievances enormous,—ſeeing our
" Liberties encroached upon and endeavoured to be entirely pur-
" loined from us—as alſo that our plaints are derided by Go-
" vernment, and ourſelves unlawfully menaced by thoſe in power,
" we call upon you all, Britons, to remember your privileges as
" ſuch, and to aſſert your rights as men—to pay all proper regard
" to your native freedom; and to conſider that, being the pro-
" perty of no man, nor of any ſet of men, it is highly diſgraceful
" for you to ſuffer yourſelves any longer to be thus enſlaved and
" diſpoſed of as cattle in a fair, as irrational beaſts in a market,
" to the higheſt bidder.

" Laying aſide all pretenſions to originality, we claim no other
" merit than that of reconſidering and verifying what has already
" been urged in our common cauſe by the Duke of Richmond,
" Mr. Pitt, and their then Honeſt Party, years back, now differing
" from them, we ſupport with candour and zeal (thereby proving
" ourſelves no courtiers) the banner of truth already diſplayed
" againſt the oppreſſors of mankind, and we take a pride in ac-
" knowledging ourſelves a part of that uſeful claſs of citizens
" which placemen (penſioned with the extorted produce of our
" daily labour) and proud nobility wallowing in riches, (acquired
" ſomehow) affect to treat with a contempt too degrading for

" human nature to bear, unleſs reconciled to it by the reflection,
" that, though their inferiors in rank and fortune, we equal them
" in talents, and excel them in honeſty.

" Still, friends and fellow citizens, poſſeſſed of ſouls far ſu-
" perior to the evil ſpirit influencing theſe oppreſſors, theſe de-
" baſers of mankind; inſtead of hating, we contemn them; and
" our motive is not vengeance, but redreſs.

" A Conſtitution we are ſaid to poſſeſs, we are willing to be-
" lieve it—if good, it allows redreſs to a complaining people—if
" excellent, as many aſſert, it muſt naturally point out the means
" thereof. Let it therefore be publicly and carefully examined—
" if it is really what it ought to be, it cannot be too well known;
" if faulty, it cannot be too ſoon amended; nor can that be done
" by a more competent judge than the thus collected ſenſe of the
" whole nation.

" It is the right of every individual to be well acquainted with
" the laws that bind him! But how is the peaſant, the mechanic,
" the manufacturer, to obtain that neceſſary knowledge; his time
" fully employed in labouring hard to provide a ſcanty meal for
" his family, and in earning wherewith to ſatisfy the frequent
" and peremptory demands of ſurly tax-gatherers, he has no
" leiſure for ſuch intricate political reſearches; and even was he,
" by ſtealing that leiſure from his labour or his ſleep, to acquire
" the deſired inſight---ſtill with ſpirits depreſſed by his ſuffering,
" with fears encreaſed by the clamorous threats of the penſioned
" all-devouring locuſts in office, the ſore oppreſſed ſubject feels
" the remedy to be far out of his reach, and dreads the conſequence
" of being even ſuppoſed to know how greatly he is wronged.—
" Such being the forlorn ſituation of three fourths of the nation,
" how are Britons to obtain information and redreſs? Will the
" court, will miniſtry, afford either? Will parliament grant
" them? Will the nobles or the clergy eaſe the people's ſuffer-
" ing? No. Experience tells us, and proclamations confirm it,
" that the intereſt and the intention of power are combined to
" keep the nation in torpid ignorance!

" The only reſource then, friends and fellow citizens, will be
" found in thoſe ſocieties which, inſtituted with a view to the
" public good, promote a general inſtruction of our rights as

" men,

" men, expoſe the abuſes of thoſe in power, and point out the " only conſtitutional, the only effectual means of forwarding " a public inveſtigation, and obtaining a complete redreſs for " a people in whoſe credulous good nature originated their pre- " ſent difficulties.

" We will not hurt your feelings by a minute detail of our " common grievances; you cannot be ignorant, friends and fel- " low ſufferers, how generally power, place, penſion, and title, " are the rewards of men whoſe ſervices to the court have been of " the greateſt prejudice to the country. You painfully feel the " conſequences; encreaſed taxes, a great part of which are moſt " vilely ſquandered; a heavy national debt, begun with a deſign " of forming a powerful and monied court-party; continued with " nearly the ſame view, unto its preſent enormous bulk, and from " its commencement militating againſt our liberties! Too viſible " are the numerous encroachments on our rights, too common " the inſolence of office, the venality of magiſtracy, the perverſion " of the laws, the letting looſe the military on every occaſion, and " thoſe occaſions eagerly ſought. The ſubjects' complaints de- " rided—the one part of the nation turned into ſpies and in- " formers againſt the other—the—but wherefore more? Is here " not enough to prove beyond a doubt, that while we boaſt the " beſt conſtitution, the mildeſt laws, the freeſt government, we " are in fact ſlaves!

" Yet, fellow citizens! numerous as are our grievances, and " cloſe rivetted as weighty to the ſhackles on our freedom; re- " form one alone, and the others will all diſappear. If we once " regain an annually elected parliament, and that parliament to " be fairly choſen by all, the people will again ſhare in the " government of their country, and their then unbought, unbiaſſed " ſuffrages muſt undoubtedly ſelect a majority of honeſt mem- " bers, while the very few unſound ones, that may accidentally " obtain ſeats, will, from the conſideration of their annual de- " pendance on the people, think it highly adviſable to continue the " diſguiſe that procured them their election, and at leaſt wear " the maſk of honeſty—a maſk neither at all times neceſſary, nor " at all times worn, in a ſeptennial parliament.

" Let

" Let no man imagine himſelf unconcerned in the propoſed re-
" form—Let no one think ſo meanly of his ſituation or abilities,
" as to ſuppoſe his coming forward will be of no ſervice to the
" cauſe of liberty! Numbers, union and perſeverance muſt in
" the end be crowned with ſucceſs, while compared with the
" ſmall efforts of each individual aſſociating and thereby counte-
" nancing the demand of the nation to be reſtored to its conſtitu-
" tional rights! How great will appear the advantages reſulting
" therefrom!—

" An HONEST PARLIAMENT!

" An ANNUAL PARLIAMENT!

" A PARLIAMENT WHEREIN EACH INDIVIDUAL
" WILL HAVE HIS REPRESENTATIVE.

" Soon then ſhould we ſee our liberties reſtored, the preſs free,
" the laws ſimplified, judges unbiaſſed, juries independent, needleſs
" places and penſions retrenched, immoderate ſalaries reduced, the
" public better ſerved, taxes diminiſhed, and the neceſſaries of life
" more within the reach of the poor, youth better educated, priſons
" leſs crowded, old age better provided for, and ſumptuous feaſts at
" the expence of the ſtarving poor, leſs frequent. Look not upon
" this, dear countrymen, as an enthuſiaſtic viſion; but rather let us
" together take a calm and reaſonable review of ſuch an honeſt par-
" liament aſſembled---let us in idea curtail their ſeſſion unto even
" the ſhort duration of three months in one year, or ſixty-four meet-
" ings for doing the annual buſineſs of the nation. Still five hun-
" dred honeſt men, meeting ſixty-four times, with both intention
" and capacity to ſerve their country, muſt do *ſomething*——muſt
" employ their time ſomehow. Conteſted elections, none or very
" few, and ſoon determined; party debates, none, the intereſt of
" the people being one; long ſpeeches much diminiſhed, honeſt
" men ſeeking reaſon not oratory; no placemen in the ſenate, cor-
" rupt influence dies away, and with it all tedious, obſtinate, mi-
" niſterial oppoſition to meaſures calculated for the public good:
" deteſting chicanery, oppreſſion and injuſtice of every kind, this
" honeſt parliament, finding that the laws wanted ſimplification
" and arrangement, would ſet about it, however deſtructive their
" labours might prove to the ſordid intereſt of an ambitious judge,

" a proſti-

" a proſtituted council, a packed jury, or a vile herd of pettyfog-
" gers, trading juſtices, bailiffs, or runners.

" Finding that a moſt extraordinary waſte of public money had
" taken place under the different pretences of places, penſions,
" contracts, armaments, ſubſidies, ſecret ſervice money, &c. our
" honeſt and annual parliament would, after narrowly ſcrutinizing
" the ſame, retrench every ſum, needleſsly or wickedly laid out.

" Recalling to their mind that wiſe and wholeſome proviſion of
" the 12th of William III. chap. 2. enacting, that *All reſolutions*
" *taken in the privy council ſhall be ſigned by ſuch of the privy*
" *council as ſhall adviſe and conſent to the ſame.* They would call
" for an immediate renewal of that long-ſuſpended law, and by
" ſo doing, all deſtructive ſecret influence will be rooted up, and
" the people could then, at all times, diſcover who were their
" friends, and who their foes.

" The people's parliament finding, that under various pre-
" tences grants of common land had been obtained by ſundry per-
" ſons, no ways to the benefit of the community, but very much
" to the diſtreſs of the poor, the ſame would be ſoon reſtored to
" the public, and the robbed peaſant again enabled annually to
" ſupply his diſtreſſed family with an increaſed quantity of bread
" out of the profit ariſing from the liberty regained of grazing a
" cow, two or three ſheep, or a brood of geeſe thereon.

" With deteſtation would that parliament view any man enjoy-
" ing the emoluments of ſix or ſeven places, either needleſs and
" overpaid; as requiring altogether but one officer, or elſe their
" ſeveral duties neglected, and the public thereby deprived of that
" ſervice for which they pay their money.

" Numerous other reforms would undoubtedly take place,
" even in the firſt ſeſſion of parliament ſo elected, dependent only
" on their electors the people. Untorn therefore by faction, un-
" divided by party, uncorrupted by miniſtry, and uninfluenced
" but by the public good, every tranſaction would tend to re-
" form, and a ſtrict oeconomy, its natural conſequence, might
" ſoon enable us to reduce our taxes; and by the integrity of par-
" liament, that reduction would light upon ſuch objects as beſt
" might relieve the poor. This to the people would prove an
" advantageous and a novel ſeſſion, and to an honeſt parliament
" not a tireſome one.

" Therefore

" Therefore Britons, friends, and fellow citizens, with hand " and heart unite, claim what is your right, perſevere and be " free; for who ſhall dare to withſtand our juſt demands?—Op- " preſſion already trembling at the voice of individuals, will " ſhrink away and diſappear for ever, when the nation united ſhall " aſſert its privileges, and demand their reſtoration.

" Signed by order,

" *M. MARGAROT*, Chairman.

" *T. HARDY*, Secretary.

" Ordered, that the ſecretary of this ſociety, do tranſmit copies of " the above to all the ſocieties in the nation, engaged in the " ſame cauſe.

" London, Auguſt 6, 1792."

Mr. Erſkine. Be ſo good as to read the quotation from Thomſon's poem on liberty.

It was read.

" Unbleſt by virtue, government a league
" Becomes, a circling junto of the great,
" To rob by law; religion mild, a yoke
" To tame the ſtooping ſoul, a trick of ſtate
" To maſk their rapine, and to ſhare the prey.
" Without it, what are ſenates, but a face
" Of conſultation deep, and reaſon free,
" While the determin'd voice and heart are ſold?
" What boaſted freedom, but a ſounding name?
" And what election, but a market vile,
" Of ſlaves ſelf-barter'd?———"

Mr. Edward Lauzun. I found this paper in Mr. Hardy's houſe.

Mr. Bower, to Alexander Grant. Is that the priſoner's hand-writing?

A. I cannot ſay that it is.

Q. Do you believe it to be his hand-writing?

A. It is different from the other hand-writing. I do not believe it to be his hand-writing.

Mr. Erſkine. I admit it.

[*It was read.*]

Mr.

" Mr. N. Hibbert, Preſident of the Society of the Friends of " Univerſal Peace, and of the Rights of Man, at Stockport.

" Sir,

" I am directed by the *London Correſponding Society, united* " *with a view of obtaining a parliamentary reform,* to inform you, " that they read with great ſatisfaction, in the papers of laſt " week, your intereſting account of the inſtitution and proceed- " ings of the *Society of the Friends of Univerſal Peace and of the* " *Rights of Man,* and ſeize with joy the firſt opportunity of " commencing an acquaintance and correſpondence with men " who act on a ſimilar plan to themſelves; they therefore have " ordered me to tranſmit to you, ſir, as preſident, a few " copies of their addreſſes to the nation on that ſubject, and to " invite you to ſimilar communications on your part, always " remembering that *union, good order,* and *numbers,* are abſo- " lutely neceſſary to our ſucceſs. We began to aſſociate laſt " January, and ſince the late *proclamation* we have increaſed " rapidly.

" I am, Sir,

" Your very humble ſervant.

" *London, 11th September,* 1792."

Mr. Edward Lauzun. I found this paper in Mr. Hardy's houſe.

[*It was read.*]

" Dear Sir,

" In obedience to the wiſhes of the ſociety here, I have the " pleaſure of acknowledging the honour of your letter and the " packet which the kindneſs of our brothers of the London Cor- " reſponding Society ſo opportunely preſented us with.

" It is doubly deſerving our thanks, as it ſhews your kindneſs, " and as it will be uſeful in the formation of our infant ſociety. " We ſtand much in need of your experience in this particular, " and we doubt not of your beſt aſſiſtance. We are ſurrounded " by a majority, a formidable one indeed, in power, abilities, and " numbers; but we are not diſmayed.

" We have carefully peruſed the addreſſes, and I am to obſerve " on their contents in general, that the ſentiments hardly riſe to " that height which we expect from men ſenſible of their full " claims to abſolute and uncontrolable liberty, i. e. unaccounta- " ble to any power which they have not immediately conſtituted " and appointed.

" Theſe are our ſentiments whatever may be yours, though in " the preſent ſtate of political knowledge it may be prudent not " to avow them openly. We deſire your ſentiments on the " means of accompliſhing that object which we preſume you " have in view in common with us. We think it expedient that " we ſhould perfectly underſtand each other in the beginning, leſt " the appearance of diſunion might furniſh matter of triumph to " our enemies." We obſerve one expreſſion, which ſays, 'Nu- " merous other Reforms would undoubtedly take place, &c. &c.' " But we aſk how is that Parliament to be choſen? Can we expect " it from the preſent order of things? Would not all the evil be " done away at once by the people aſſembled in Convention? Does " it appear probable that the odious laws which we complain of " will be aboliſhed any other way? Can the grievances ariſing " from ariſtocracy be redreſſed while the ——— retains its pre- " ſent authority in the legiſlature? Is the univerſal right of " conſcience ever to be attained while the B——— maintain " their ſeat on the ———.

" Your thoughts on theſe important points we moſt earneſtly " deſire may be tranſmitted to us as ſoon as poſſible; not direct- " ed as the laſt, we fear it will excite ſuſpicion. Direct to Mr. " Joſeph Heamer, Petty Carr, Stockport, who is Chairman oc- " caſionally in the abſence of N. Hibbert, who reſides too far " from hence to be at hand on emergencies.

" Your's, &c.

" P. W. FROST."

Addreſſed, Mr. Thomas Hardy, Boot and
Shoemaker, near Piccadilly.

Indorſed, Rec. 27th of Sept. 1792.

Anſ. 11th of Oct. and ſent a copy of the Addreſs.

Mr.

Mr. *Edward Lauzun.*—I found this paper in Mr. Hardy's houſe.

[*It was read.*]

" The Friends of Univerſal Peace and of the Rights of Man Society.

" Mr. JOSEPH HEAMER.

" SIR, *London*, 11*th Oct.* 1792.

" With infinite ſatisfaction the London Correſponding Society's " Committee peruſed your letter; they are happy to learn your " ſteady determination, ſpite of all obſtacles, to purſue that " ſole means of political felicity a perfect Repreſentation of the " People.

" With regard to our publications, our ſentiments are expreſſed " in as ſtrong terms as prudence will permit; yet plain enough " we imagine to convince the public, that while we expect every " thing from an honeſt and an annual Parliament, nothing ſhort " of ſuch a Senate choſen by the whole nation, will ſatisfy us.

" True generoſity, the characteriſtic of this nation, and of " all unperverted men throughout the globe, calling upon us to " countenance, at this juncture, the arduous ſtruggle of the " French nation againſt deſpotiſm and ariſtocracy, theſe foes to " the human race, we have reſolved upon addreſſing the French " National Convention.

" Without entering into the probable effects of ſuch a meaſure, " effects which your Society will not fail to diſcover, we invite " you to join us, and to that end herewith you have a copy of our " intended addreſs; if you approve the idea, and will concur in " ſending it, be pleaſed to return us, without delay, a copy ſigned " by your preſident and ſecretary, or by the delegates, ſtating " each for how many perſons he ſigns, we will then aſſociate your " body with ours, and with ſome others who have already aſ- " ſented to the meaſure. If, on the contrary, you diſapprove that " mark of zeal towards the only nation that has hitherto under- " taken to reſtore to mankind its juſt rights, pleaſe to communi- " cate to us your objections.

" I am, Sir,

" for the Committee of Delegates,

" Your's, &c.

" M. M. Ch."

Mr. *Bower*—I will prove part of this letter to be in Mr. Horn Tooke's hand-writing.

Mr. William Woodfall. (Sworn.)

Examined by Mr. Bower.

Q. Are you acquainted with Mr. Horne Tooke's hand-writing?

A. Yes.

Q. Look at that letter, and see whether there is any part of it Mr. Tooke's hand-writing.

A. I do not think that part of it is Mr. Tooke's hand-writing, but there is an interlineation which I believe to be his hand-writing.

Q. Have you seen him write?

A. I have, and believe that to be his hand-writing.

Q. Which are the parts?

A. The word "things" over the first line of all other things put with a caret, the word "incapacitated" is mended apparently, the word "for," and the word "views," resemble his character.

Q. Do you believe it to be his?

A. I believe it to be his character, it is the conclusion of the writing.

Mr. Erskine—The Jury should know this is a paper that has been already read.

A. It is apparently his, but it was written at a tavern, or in that loose manner which people are apt to write in when not at home at their desks; but I think it is his character.

Mr. Maclean called again.

Mr. Law—Where did you find that paper?

A. I found it at Mr. Adams's.

Q. To *Alexander Grant*—Is that signature Mr. Hardy's hand-writing?

A. That is not the usual way he signs his name; I believe it is his writing.

[*It was read.*]

"D. ADAMS

" D. ADAMS, Eſq. Secretary to the Society for Conſtitutional Information.

" SIR,

" Your favour of the 3d inſtant, informing us that our pro-
" poſal for addreſſing the French National Convention had met
" with the approbation of the Society for Conſtitutional Informa-
" tion, we have incloſed you a copy of the addreſs we have drawn
" up, and mean to ſend, the Society at large having approved
" of it.

" Not in the leaſt preſuming to propoſe it for the adoption of
" your Society, ourſelves will joyfully throw it aſide, and
" as readily ſubſcribe to any production of your's better calcu-
" lated to anſwer the purpoſe, and leſs unworthy being preſented
" to ſo auguſt an aſſembly.

" Should no other be produced, we imagine this plain but ho-
" neſt addreſs will be adopted by ſome other ſocieties in concur-
" rence with our own; and, reſpecting the manner of ſigning, of
" conveying, and of preſenting it, your better experienced advice
" will greatly oblige,

" Gentlemen,

" Your very humble Servant, for

" The Committee of the

" London Corrreſponding Society,

" MAURICE MARGAROT, Chairman.

" THOMAS HARDY, Sec^y."

" *Thurſday* 11*th Oct.* 1792.

" D. Adams, Eſq. Took's Court,
Chancery-lane."

Mr. *Edward Lauzun* depoſed that he found the following letters in Mr. Hardy's houſe.

[*They were read.*]

" SIR,

" Your favour of the 11th inſtant, and the addreſs of the Lon-
" don Correſponding Society, were read at a meeting of the So-
" ciety for Conſtitutional Information held laſt Friday, and I am
" deſired to expreſs their thanks to the London Correſponding So-

" ciety for the ſaid addreſs, and to aſſure them, that they do high-
" ly approve of the ſpirit of the ſame.

" I have the honour to be,

" Sir,

" Your moſt obedient Servant,

" D. ADAMS, Secr. to the Society for Conſti-
" tutional Information."

" Took's Court,

" *Monday*, 15*th Oct.* 1792.

" MAURICE MARGAROT, Eſq. Chairman to
" the London Correſponding Society."

" Mr. THOMAS WALKER, Preſident of the Mancheſter Conſtitutional Society.

" SIR,

" Multiplicity of buſineſs prevented our Secretary from an-
" ſwering your kind favour of the 26th ult. We content our-
" ſelves this day with tranſmitting to you for the conſideration of
" the Mancheſter Correſponding Society our intended addreſs to
" the French National Convention; if your Society approves of it,
" and will join us, the manner in which you will do ſo remains with
" you; but we imagine, that the ſending us back a copy of the
" addreſs, ſigned by the Preſident and the Secretary, ſtating the
" number of perſons for whom they ſign, will be ſufficient to
" authorize us to join the name of your reſpectable Society with
" others concurring in the ſame meaſure. We likewiſe requeſt
" your ſpeedy anſwer directed as before to T. H. &c.

" M. M. Chairman of the C. of D. &c.

" We mean to concert with the London Conſtitutional So-
" ciety about the beſt method of conveying and preſenting the
" Addreſs.

" *Oct.* 10, 1792."

" SIR,

" The London Correſponding Society has received your let-
" ter of the 6th inſtant, directed to their Secretary. We are
" happy to learn your determination in favour of freedom. Our-
" ſelves, to give it all the countenance we can afford, have deter-
" mined

" mined on a friendly addreſs to the French National Conven-
" tion. We hope the concurrence of many ſocieties. Annexed
" you have a copy of it, and if the different affiliated Societies
" in your neighbourhood will join us in tranſmitting that mark
" of our approbation to the French, it will only be neceſſary for
" you with all ſpeed to return us a copy of the addreſs ſigned by
" the Preſident and Secretary, or by the delegates, ſtating the
" number of perſons for whom they ſign.

" I am, Sir,

" For the Committee of the

" London Correſponding Society,

" Your very humble ſervant,

" *London*, 11*th Oct.* 1792. " M. M. Ch."

" To the Revolution Society at Norwich."

" Derby Society for Political Information.

" Mr. S. Eyre.

" Sir, *London*, 19*th Oct.* 1792.

" With pleaſure we acknowledge your favour of the 16th in-
" ſtant, and return you our thanks for the papers ſent us; as alſo
" for thoſe from the New Society at Nottingham, to whom we
" wiſh you would communicate this and the incloſed addreſs,
" which our Society, joined by ſome others, intend to preſent to
" the French National Aſſembly; we cordially invite your So-
" ciety, and that at Nottingham, to concur with us alſo in the
" ſame; which, if you do, we deſire you will ſend us back a
" copy, ſigned by the Preſident and Secretary of each Society,
" and, at the ſame time, ſtate the number of members you re-
" ſpectively ſign for, *as the greater the number, the greater will the*
" *effect be.*

" Our hopes are as ſanguine as yours, and, perhaps, our num-
" bers increaſe as faſt: reaſon and good order muſt make us in-
" vincible. I am, Sir, for the London Correſponding Society,

" Yours, &c.

" M. M. Ch.

" Pleaſe to let us have your deciſion as ſoon as poſſible."

" Sir,

" Sir, *London, Oct. 18, 1792.*

" The London Correſponding Society learn with pleaſure, " that the Society for Conſtitutional Information approve of the " ſpirit of our addreſs: but, to come back to the point, we ima- " gine that as you previouſly had approved the meaſure, and that " now you approve the ſpirit of the addreſs itſelf, we may with " propriety aſk you, whether you will concur with us in ſending " that addreſs, or whether you will draw up another, better ſuited " to the preſent circumſtances, and permit us to join you in " tranſmitting it to the French National Convention.

" D. Adams, Sec. to the Conſtitutional Society."

" Mr. Secretary,

" Sir, *Norwich, Nov. 11th, 1793.*

" We, the Society for Political Information, are deſirous of " holding, and ſtrenuouſly ſupporting the noble ſentiments which " you ſo lately and friendly diſperſed among us; and, as we ſo " much admire your well adapted plan for a reformation in the " ſtate, permit us, with the utmoſt deference to your worthy " Society, to participate with you in all your great national cor- " reſpondence, which your very name promiſes to maintain; and, " in conſequence thereof, it is humbly deſired by the Society " which I have the happineſs to repreſent, to incorporate three " members with your worthy fraternity; in doing which, I ſhall " here inform you of their names and reſidence, which are as fol- " lows: Mr. Iſaac Saint, at the Weaver's Arms, St. Auguſtins, " Norwich; Mr. Anthony Caddwould, cordwainer, near the " Globe, ditto; George Knapp, near ditto. Our principal de- " ſign, Sir, in doing this, is, that we may have an opportunity of " knowing more exactly what may be thought the moſt eligible " ſteps to be taken in carrying on this great buſineſs of our aſſo- " ciated brethren, and to have an opportunity to aſk ſuch ſort of " queſtions as may be thought very reaſonable among the bre- " thren, eſpecially when we think that publications are covered " with a ſort of obſcurity in its language, as the Sheffield people's " declaration, which ſeemed determined to ſupport the Duke of " Richmond's

"Richmond's plan only; but ſince we find, in a printed letter "received from them in a book, that they mean to abide by ſome "moderate reform, as may hereafter be brought forward by the "Friends of the People, which method is uncertain to us. Again "we find that the Friends of the People and the Society for "Conſtitutional Information do not exactly agree. We could "be glad to know the reaſon: it ſeems to me as though the dif-"ference was this—the Friends of the People mean only a par-"tial reform; becauſe they leave out the words expreſſing the "Duke of Richmond's plan, and talk only of a reform; while the "Mancheſter people ſeem to intimate, by addreſſing Mr. Paine, "as though they were intent upon republican principles only: "now, to come cloſer to the main queſtion, it is only deſired to "know whether the generality of the Societies mean to reſt ſa-"tisfied with the Duke of Richmond's plan only; or, "whether it is their private deſign to rip up Monarchy by the "roots, and place Democracy in its ſtead. I ſhall now, Sir, "give you an exact account of what plan we could wiſh "to obtain, which I have already moved for at our general "meeting, viz. a full and equal repreſentation of the whole "body of the people, a general ſuffrage of votes, and an-"nual parliaments. I remember the Society for Conſtitutional "Information intimated to us that Mr. Baſham uſed to write to "them in the name of the Revolution Society; if you approve "of that appellation, pray be ſo kind as to give us a full and ſa-"tisfactory anſwer. I ſhall ſay no more at preſent, but remain "a friend to peace, not to anarchy; a well-wiſher to the rights "of man when obtained by conſent; and your moſt obedient and "humble ſervant,

"GEORGE KNAPP, Chairman.

"ISAAC SAINT, Secretary.

"ANTHY. CADDEWOULD, Member.

"P. S. I ſhould eſteem it a favour to be informed of the town "reſidence of the Lords Kenyon and Loughborough, for a mat-"ter of private concern.

"Addreſſed to Mr. Thomas Hardy, to be left at the Bell, "Exeter-ſtreet, Strand, London."

" FELLOW CITIZENS,

" Your letter of the 11th inſtant was, by the Secretary, laid " before the Committee of Delegates of the London Correſpond- " ing Society.

" Having never before heard of your Society, they wiſh to " have ſome further information concerning it, as to its origin, its " principles, and the number of its members; ſuch an account in " your next letter will give them great ſatisfaction. They do " not thoroughly comprehend how it would be poſſible to incor- " porate with our Society three of your members reſiding in " Norwich, inaſmuch as it would be impoſſible to communicate " to them at that diſtance all our correſpondence, and they could " not attend our Committees, where the buſineſs is tranſacted. " If it is information you want, they very readily will anſwer any " queſtion you may put to them; and, to that end, invite you to " a regular correſpondence. As to the object they have in view, " they refer you to their addreſſes: you will therein ſee they " mean to diſſeminate political knowledge, and thereby engage " the judicious part of the nation to demand a reſtoration of their " rights in annual parliaments, the members of thoſe parliaments " owing their election to the unbought and even unbiaſſed ſuf- " frage of every Citizen in poſſeſſion of his reaſon, and not inca- " pacitated by crimes. They conſider the obtaining ſuch par- " liaments to be the ground-work of every neceſſary reform; to " this therefore they ſteadily adhere, and turn themſelves neither " to the right nor to the left, to follow any other plan whatever; " the rules and order of their Society being ſo plain and eaſy, " that, if they can get a majority of the nation to act as they do, " the propoſed reform will effect itſelf. They look upon the " trifling difference that may have ariſen between the ſeveral So- " cieties to be of very little conſequence, and think they will ſub- " ſide without any ways injuring the cauſe.

" They think it a matter of ſmall importance whatever name " you chooſe to adopt. They adviſe you to follow their plan, " and divide yourſelves into ſmall Societies, each of which to " chooſe a delegate; the delegates, when met, to form the Com- " mittee, and tranſact the buſineſs of the Society; afterwards, " let each delegate report to his diviſion the buſineſs ſo done;

" let

" let him admit freſh members, communicate freſh intelligence,
" encourage political diſcuſſion, or read to you ſuch books as may
" convey the inſtruction your weaker members ſtand in need
" of; but, above all, be careful to preſerve peace and good order
" among you; let no diſpute be carried to exceſs; leave mo-
" narchy, democracy, and even religion, entirely aſide; never
" diſpute on theſe topics, let your endeavours go to increaſe the
" numbers of thoſe who wiſh for a full and equal repreſentation
" of the people, and leave to a parliament, ſo choſen, to form
" plans for remedying the exiſting abuſes; ſhould they then not
" anſwer your expectation at the year's end, you may chuſe others
" in their ſtead. The Committee offer you every aſſiſtance in
" their power, but requeſt that your queſtions may relate chiefly
" to the methods of obtaining a reform in Parliament. Like
" yourſelves, they are friends to peace, not anarchy, and well-
" wiſhers to the rights of man; yet not ſo ſanguine in their ex-
" pectations as to imagine thoſe rights will be reſtored by the
" ſpontaneous conſent of thoſe who have ſo long deprived man-
" kind of them. Underſtanding that you are many Societies in
" Norwich, the Committee recommend to you to unite upon
" the plan before mentioned; the correſpondence, then carried
" on by one Committee, will ſerve you all: they likewiſe re-
" commend the appointment of one of the leaſt conſpicuous
" of your members to receive ſuch letters as may be ſent to
" the Society, leſt, if he be well known about your town
" to be a member, ſome interruption might take place in the
" delivery.

" I am, for the London Correſponding Society, moſt ſin-
" cerely,

" Fellow Citizens,

" Your fellow-labourer in the cauſe of freedom,

" M. M. Chairman."

" The Committee of the Friends of the People.

" GENTLEMEN, *London, the 1ſt February*, 1793.

" We are inſtructed by the Committee of Delegates of the
" London Correſponding Society to expreſs the ſatisfaction they

" experience

" experience in finding, by your anſwer to our letter, that your " Society are willing to communicate freely with thoſe whoſe " friends they profeſs themſelves to be: Not the leſs determined " to obtain the deſired reform, had you refuſed to act in concert " with us, we yet freely acknowledge that your concurrence " will add great weight to our ſo juſt demand. Leaving the " diſtinctions of rank, talents, and fortune, entirely out of " the queſtion, on a ſubject in which every man is equally " intereſted, all muſt be convinced, that when Members of " Parliament demand a reform, abuſes certainly exiſt; and " that when men, diſtinguiſhed for their knowledge of the " laws, join in the purſuit, its conſtitutionality is ſufficiently " warranted.

" With you we think, that 'the common happineſs of all' " is the only conſtitutional authority laws can claim—that laws " ſo founded, muſt meet the affections of the whole nation; and " that thoſe who ſeek the moſt effectual means of obtaining " ſuch, 'equally promote the preſent peace and the future " proſperity of their couutry.'

" Venerating with you our excellent conſtitution, we are " firmly perſuaded the reſtoring it to its primitive purity will be " found a ſufficient remedy againſt every abuſe we complain of. " Did we, however, deem leſs highly of its principles, we " could not be brought to think ourſelves ſo greatly degene- " rated as to be unequal to the renewal of a taſk which our " forefathers undertook, without fearing it would prove beyond " their ſtrength, not to diſgrace them by ſupinely ſubmitting to " a total overthrow of the glorious fabric, reared by their valour " and cemented with their blood, from premature apprehenſions " of 'the tempeſt that might enſue' in a conflict of oppreſſion " againſt general good—pecuniary intereſt, and life itſelf, are " never to be brought into competition with liberty.

" We thank your Society for your kind advice concerning " peace, order, and obedience to the laws: We made them " the foundation of our union, as our addreſſes ſufficiently " evince—we have never departed from legal obedience, and

" have

" have thereby fruſtrated the evil deſigns of all thoſe who mili-
" tate againſt reform.

" You acknowledge, that 'to wiſh ſucceſs to the cauſe of
" freedom is congenial to the heart of a Briton,' inſtead there-
" fore of admitting your argument againſt our having publiſhed
" ſuch ſentiments by a friendly addreſs to the National Conven-
" tion of France, that you, that all other Societies, that the
" whole nation did not catch the generous flame, and follow
" our example—as to the handle likely to be made of it by our
" corrupt oppoſers, (and well we have noted them) let them
" uſe it like moſt of their other machinations, it will only ac-
" celerate that which they dread.

" We muſt obſerve, that at a time when the enemies of man-
" kind are exerting every power to cruſh the infant effort of
" French liberty, it became our duty, as friends to human hap-
" pineſs, to expreſs the juſt abhorrence we entertained of a
" manifeſto which we conceived aimed, not ſo much at the
" liberty of France, as at the liberty of the world. But to make
" any particular comments upon that manifeſto is now unne-
" ceſſary, as it might be unſafe—we only wiſh every Briton to
" peruſe it.

" Regardleſs of any evil intention, which the malice of our
" enemies may attribute to our conduct, we remain conſcious
" of our rectitude; and that we therein acted up to the free,
" open, manly, generous national character of Britons—a
" character which oppreſſion, aſſiſted by enervating luxury, has
" not yet been able to entirely extinguiſh.

" Unnoticed, however, you have paſſed over our ſtatement of
" abuſes, our addreſſes to the nation, our demand of protection,
" addreſſed to thoſe whoſe duty it is to afford it, and our an-
" ſwer to the calumnies of Mr. Reeve's Aſſociation, we requeſt
" your notice of them. Preſſed likewiſe by our numerous
" country correſpondents to give them authentic information of
" what meaſures you mean to purſue, when you mean to begin,
" and how far you intend carrying your propoſed reform; we
" beg your explicit anſwer on theſe heads, and that you will
" enable

" enable us ſpeedily to rightly inform the country thereon—no " ways doubting, but that from your anſwer, we ſhall be " enabled to aſſure them that you are really what your title im- " ports, the *Friends of the People*, for many thouſands of whom, " in the name of the London Correſponding Society, united in " one common intereſt and purſuit, with many other Societies " in different parts of the Iſland, altogether forming no deſpi- " cable number of uſeful members of ſociety. We have the " honour of ſubſcribing ourſelves,

" Your fellow labourers, and humble ſervants."

" SIR,

" I am directed by the Society of the Friends of the People " to acknowledge the receipt of your letter, dated February 1, " 1793; having pledged ourſelves by our public acts and docu- " ments, to uſe every effort in our power for the purpoſe of ob- " taining a complete, ſubſtantial, and radical reform of the " repreſentation of the people in Parliament, we never can be " ſuppoſed to have ſurrendered to any other body of men the " exerciſe of our own diſcretion, with reſpect both to the plan " which we deem moſt effectual for the purpoſe, and the time " which we may think moſt favourable for offering it to the " public; at preſent we think, that to make public our views " on theſe ſubjects, would be to furniſh arms to our enemies, " and to injure the cauſe in which we are engaged. The " period, however, is probably not very far diſtant when theſe " particulars will be made known to the public; it is ſufficient " now to expreſs our confidence, that that moment will prove " by evidence more ſubſtantial than profeſſions; that we will " propoſe no plan of reform which is ſhort of an effectual de- " ſtruction of abuſes in the repreſentation of the people, and " that we have honeſtly exerted every faculty we poſſeſs in " chuſing the time moſt favourable to the ſucceſs of our plan.

" We have learned, with affliction and indignation, the ar- " bitrary and unconſtitutional interruption of meetings of " citizens, peaceably and lawfully aſſembled for the diſcuſſion " and maintenance of their rights. We have ever viewed with

" utter

" utter diſapprobation, both of their principles and proceedings,
" the aſſociations who have been the authors or inſtruments of
" this perſecution. Their principles, we think, are repugnant
" to the free ſpirit of the Engliſh law; and their conduct, we
" think, has been as injurious and oppreſſive, as the principle
" of their inſtitution is unconſtitutional and abſurd. But deeply
" penetrated as we are with theſe ſentiments, we neither poſ-
" ſeſſed power nor legal competence to interpoſe for the protec-
" tion of an individual, ſuffering even under the moſt unjuſt
" proſecution, we cannot therefore feel ourſelves blameable for
" inaction in caſes of which the particulars were never laid be-
" fore us, and in which it might have been perhaps impoſſible,
" and perhaps improper, for us to have interfered.

" We do not think it neceſſary to make any particular re-
" marks on thoſe publications which you have put forth; we
" are not called upon to pronounce any judgment on the pub-
" lications of individuals or ſocieties; and however we may la-
" ment the grievances of which ſome of your publications com-
" plain, our efforts muſt neceſſarily be limited to the object of
" our inſtitution—the creation of an organ to ſpeak the public
" voice in legiſlation.

" We cannot help expreſſing ſome ſurpriſe at the informa-
" tion, that Societies in different parts of the kingdom, who
" were ſolicitous about the nature and extent of our plans of
" Reform, inſtead of expreſſing ſuch ſolicitude to ourſelves,
" ſhould have choſen the indirect and circuitous channel of any
" other Society. Had they applied to the Friends of the People
" directly, they would aſſuredly have received every informa-
" tion compatible with prudence, and with a due regard to the
" ſucceſs of our common cauſe.

" On the ſubject of your correſpondence with the National
" Convention of France, we freely communicated to you our
" opinion in our laſt letter; we ſee no reaſon to change the
" ſentiments which we then expreſſed on the prudence and ten-
" dency of that meaſure, for though we not only 'acknowledge,'
" but avow with pride, 'that to wiſh ſucceſs to the cauſe of
" freedom is congenial to the heart of a Briton;' yet we can-

" not

" not think that men engaged in ſo momentous a cauſe, as that
" of parliamentary reform, are entitled to make public declara-
" tions, even of their moſt virtuous ſentiments, in any manner
" which may injure that cauſe, ſerve the purpoſes, and ſtrengthen
" the pretexts of its enemies. Far be it from us to treat with
" ſeverity and rigour even thoſe errors and indiſcretions into
" which men may be betrayed by a generous zeal for the cauſe
" of freedom, but ſurely it cannot be denied, that the corre-
" ſpondence of Societies in this country with public bodies in
" France, has furniſhed the moſt ſpecious pretences to intereſted
" men, for confounding a virtuous ſenſibility to the intereſts of
" liberty in other countries, with a criminal intention to intro-
" duce diſorder and civil commotion into our own; it is chiefly
" by the help of this pretext, that deſigning men have ſo ſuc-
" ceſsfully practiſed on the alarms of the public, and that timid
" honeſty has been rendered the dupe and the inſtrument of
" corruption. But on this ſubject all further remark is now
" become unneceſſary, as every good citizen muſt now feel
" himſelf precluded from all political intercourſe with France,
" (for a period which we earneſtly pray may be very ſhort)
" by a war, the principle of which we utterly diſapprove, the
" inevitable evils of which we deeply deplore, and at the poſſible
" conſequences of which we tremble. Among the moſt wiſe
" and honeſt friends of liberty there muſt ariſe frequent differ-
" ences of opinion and of conduct; and theſe differences, the
" natural effect of an independent judgment and an independent
" ſpirit, are perfectly compatible with mutual confidence and co-
" operation; when indeed deſigning perſons avail themſelves of
" ſuch differences, to ſow diſtruſt and to inſinuate ſuſpicions
" againſt the characters and intentions of men, it is then only
" that they become pernicious and injurious. Againſt practices
" which might produce ſuch a ſpirit of diſunion and diſtruſt, it
" is ſurely almoſt unneceſſary to warn the friends of liberty, at a
" moment when our enemies are ſo formidable and ſo united.
" They have ſacrificed all inferior intereſts and all former dif-
" ferences to their common intereſt, in perpetuating abuſes and
" corruptions. Let it not be ſaid, that more generous motives
" have a leſs powerful influence on the human mind, and that

" the

" the love of liberty is not able to produce that union among " her friends, which in her enemies has ariſen from the moſt " abject and ſordid paſſions.

" It ſeems ſcarce neceſſary to repreſent to the London Cor- " reſponding Society the peculiar neceſſity of circumſpection " and moderation, at a moment when the moſt venial indiſcre- " tion of the friends of reform is remarked with ſuch malignant " watchfulneſs, and converted into an argument againſt the " cauſe of reform itſelf.

" He muſt ſurely either be a ſecret enemy, or an unſafe and " pernicious friend of that cauſe, who could prompt you to any " thing that could be conſtrued into indiſcretion, or who would " labour to ſow diſtruſt among the ſmall number of thoſe who " now appear in behalf of freedom in England, at a period " when a perſecution is carried on againſt the friends of reform " at home, and a war is commenced, which in its progreſs may " combine the arms of England with thoſe of powers engaged " in a cruſade againſt the general liberties of Europe.

" In name, and by order of the Committee,

" EDWARD JER. CURTEIS,

" *No.* 52, *Frith-Street*, " Chairman of the Committee.

" *February* 15, 1793.

" To Mr. Thomas Hardy, Secretary to the London Correſ- " ponding Society."

Mr. Edward Lauzun depoſed, that he found the following paper in Mr. Hardy's houſe.

" SIR,

" The Committee of the London Correſponding Society " have at preſent to acknowledge the receipt of your letter of " the 15th of February.

" With pleaſure we perceive your Society not unwilling to " keep up a correſpondence with us, yet at the ſame time we " are ſorry that you ſhould appear to be hurt by the plain queſ- " tions we put to you in our laſt; to aſk of you what meaſures " you mean to purſue in a matter which concerns us all, is " certainly no ways calling upon you to ſurrender up to our

" Society, or even to the public at large, your diſcretion; nor
" can we conceive, that a body of men having pledged themſelves
" to the public, can be a ſufficient ſecurity to that public to
" repoſe implicit confidence in them, without being made further
" acquainted with the nature and extent of the plan you mean
" to purſue, in order that we the people may, if we approve
" it, co-operate with you; the extent of your propoſed reform
" we apprehend is already determined upon, and we can diſco-
" ver no advantage likely to reſult from its ſecrecy; on the con-
" trary, if we are to aſk for ourſelves the ſame thing which our
" friends mean to aſk for us, the latter muſt receive their in-
" ſtructions from us, or we muſt be directed by them; in either
" caſe there muſt be no ſecrets; we further conceive, that the
" permanency of a reform muſt be founded on the acquieſcence
" of the public, who after maturely deliberating on every thing
" propoſed, ſhall have found your plan the moſt uſeful and the
" beſt that could poſſibly be laid down. The buſineſs we are
" engaged in is of too important a nature to admit of reſerve or
" diſguiſe; we will therefore, by the frankneſs of our behaviour,
" ſhew ourſelves worthy the friendſhip of a ſociety of honeſt
" men endeavouring to ſerve their country, and plainly tell you
" our country correſpondents did not deſire us to inquire of you
" what you meant to do, but fairly aſked us whether we thought
" you honeſt? whether we thought you meant to ſerve a party,
" or the nation? whether we imagined you intended a partial
" or a complete reform? Addreſſed in this manner to us, and
" blunt as theſe queſtions may appear, they have nothing in
" them which can poſſibly offend you, the people having always
" an undoubted right to ſcrutinize the character and principles
" of thoſe who call themſelves their friends, and as ſuch, avow
" an intention of bringing forward meaſures in which we are all
" ſo deeply intereſted. As to the furniſhing our enemies with
" arms by a diſcloſure of our intention, we cannot conceive that
" demands, founded on conſtitutional rights, can loſe any of their
" force by being made public. Reaſon (*vires acquirit eundo*)
" to triumph requires only to be known; and as none of the
" people's demands are founded on fallacy, to take the enemy
" by ſurpriſe would be unworthy of the public champions, and
" moreover,

" moreover, perfectly needleſs when truth and reaſon muſt un-
" avoidably bear down all before them without the aſſiſtance of
" guile.

" Under the idea that, where you ſay ' you neither poſſeſſed
" power, nor legal competence to interfere for the protection
" of an individual, ſuffering under the moſt unjuſt proſecution,'
" you allude to the caſe of our bill ſticker, we muſt beg to ſet
" you right, and to inform you we never, as a ſociety, ſought
" the interference of any body of men; on the contrary, we
" are firmly perſuaded, however hard ſuch caſes may bear upon
" individuals, they will eventually prove of ſervice to the public,
" nothing having a greater tendency towards rouſing the country
" from its too prevalent apathy, with regard to ſtretch of pre-
" rogative and abuſe of power.

" As to our Addreſs to the French National Convention, we
" imagine it beſt to ſay no more about it at preſent, only that if it
" has furniſhed pretexts to deſigning men, it has only ſaved them
" the trouble of ſeeking excuſes elſewhere: but ſuch men, even
" without our aid, would have been at no loſs; at the ſame time,
" we are to believe the plan for war, if conceived before then,
" was by no means accelerated thereby;—intended as preventa-
" tives, addreſſes might have been effectual, if they had not
" been more generally adopted; the only fault therein, that by
" a miſtaken idea, the addreſſers gave credit to the nation for a
" greater degree of energy than it really poſſeſſed. We agree
" with you, that unity of ſentiment is no way incompatible
" with diverſity of opinion, and that the latter is natural to
" independent minds; with the ſame object in view, their mode
" of purſuing it will undoubtedly differ; with caution, therefore,
" we will watch over thoſe who wiſh to ſow the ſeeds of unne-
" ceſſary diſtruſt among us, and will at the ſame time take good
" care that the doctrine of implicit confidence may not gain
" ground among us; full as much as yourſelves, we plead the
" neceſſity of union among the friends of liberty, but lament
" that it is prevented, or at leaſt retarded in many inſtances by
" the very ſame thing that promotes it among the enemies of

 " reform,

" reform, namely, intereſt; with them, all their intereſt is for " the continuation of abuſes, while to ſome of us a reform muſt " be attended with pecuniary loſs, and many others would loſe " their employ, their daily bread, were it known they took an " active part; thus, the ſame motive, aſſuming on one ſide the " appearance of a virtue, gives emulation to bad men, and on " the other, in its vileſt but moſt natural form, ſtays the progreſs " of thoſe who, with the beſt intentions, labour to ſave their " country.

" We thank you for your kind and prudent advice, enjoining " us moderation and diſcretion at this critical moment, when " every imprudence in the advocate is liable to be rendered pre- " judicial to the cauſe itſelf."

Mr. Garrow. It appears by its contents to be an anſwer to Mr. Curtçis's letter.

Alexander Grant.—Examined by Mr. Garrow.

Q. I believe you are by buſineſs a printer ?.

A. Yes, I am.

Q. Did you at any time, and when, become a member of the London Correſponding Society ?

A. Yes; I believe in the beginning of the year 1792.

Q. To which of the diviſions of the Society did you belong?

A. I think it was No. 2.

Q. Where were the meetings of that diviſion held ?

A. At the houſe of a Mr. Byde, at the Bell in Exeter-ſtreet.

Q. Name ſome of the perſons who frequented thoſe meetings of the diviſions.

A. There was Mr. Margarot uſed to be one.

Q. What character was Margarot in the Society ?

A. He was conceived by me to be preſident of the diviſion.

Q. Did he act as ſuch ?

A. Yes.

Q. Who elſe?

A. Mr. Richter, Mr. Moore, and ſeveral others that I do not recollect. I knew very few of them, I think Mr. Byde, the maſter of the houſe, was a member.

Q. Was

Q. Was you applied to at any of thoſe meetings to print any papers for the diviſions, or for the Society at large?

A. I was not at that time.

Q. When was you, if ever applied to, to print any?

A. I was applied to ſome time in the middle or the latter end of the year 1792.

Q. Who was that application made to you by?

A. I believe by Mr. Gow.

Q. Was that application made by him at the Society, or at one of the diviſion meetings?

A. I do not know poſitively, but I know I refuſed to print ſomething that was ſhewn me.

Q. I do not aſk you the contents of that paper; but did you afterwards print any thing elſe for the Society, which you was paid for by any of thoſe perſons that you have named?

A. Yes: I printed a poſting bill.

Q. Upon whoſe application did you print that poſting bill?

A. Mr. Richter. I read it over with Mr. Richter; and I agreed to print it, and did print it.

Q. Do you mean the ſame Mr. Richter that you have named as a member of the Society?

A. Yes.

Q. Did you ever ſee Mr. Richter at any of thoſe meetings of the diviſions at which the priſoner attended?

A. Yes.

Q. You ſay you undertook to print that which Richter applied to you to print.

A. Yes; five hundred copies.

Q. Who paid you for them?

A. Mr. Hardy the priſoner.

Q. Were there any directions given you as to the time by which they would be required to be printed; was there any extraordinary expedition required?

A. They were ordered to be done as faſt as poſſible, and I recollect when they were done I ordered them to be ſent to Mr. Hardy's; and I imagine my order was complied with.

Q. How ſoon after you had ordered them to be ſent to Mr. Hardy's did you ſee Hardy?

 A. I dare

A. I dare ſay it was two or three days after.

Q. Did he pay you for thoſe which you had ordered to be ſent?

A. Yes; but they were ſent back to my houſe.

Q. Did he pay before the order came for ſending them back to your houſe, or afterwards?

A. No. I was paid afterwards.

Q. And then the papers were returned to your houſe?

A. They were returned the very ſame day they were ſent.

Q. What became of them after they were ſent back to your houſe; did the circumſtance which you was about to ſtate come to your knowledge from Hardy, or did you ever converſe with him upon that ſubject?

A. No; never.

Q. Do you known of your own knowledge what became of the papers after they were returned to your houſe?

A. They were given by my warehouſeman to one Carter to ſtick up in the ſtreets.

Mr. Erſkine. Did you ſee them given?

A. No.

Mr. Garrow. Do you know in fact that any of thoſe bills that you printed, and which Hardy paid you for, were ſtuck up in the ſtreets of this town?

A. No; I could not ſwear that, for I did not ſee any to the beſt of my recollection.

Q. Had you any converſation with Mr. Hardy reſpecting thoſe papers which Carter was ſuppoſed to have had ſomething to do with?

A. Yes.

Q. What paſſed between Mr. Hardy and you upon that ſubject?

A. Mr. Hardy informed me that Carter had been taken up.

Q. You had given orders that theſe bills ſhould be delivered to Carter; were they in fact delivered out of your poſſeſſion after they were returned from Hardy's?

A. They were not delivered by my order to Carter.

Q. Were they delivered out of your poſſeſſion?

A. They were.

Q. After that Hardy told you Carter had been taken up?

A. Yes, for putting up thoſe bills which I told him I had been informed of before.

Q. For putting up the bills, where?

A. Up in the ſtreets in this town.

Q. Did any thing more paſs upon that occaſion?

A. No.

Q. Do you know that Carter was in fact in priſon for poſting up thoſe bills?

A. I heard it from Mr. Hardy. I never ſaw him in priſon.

Q. Look at this, and tell us whether this is one of the bills that you printed?

A. Yes, I believe that is the very identical bill; I have no doubt about it.

Q. Had you any converſation with Mr. Hardy with reſpect to any other papers which you had been applied to print, and which you had refuſed to print—did Mr. Hardy ſay any thing to you about your having declined to print for the Society?

A. He did about an additional order that I had.

Q. The firſt order you complied with was for five hundred?

A. Yes.

Q. Who gave you the additional order?

A. There was an order brought, I cannot tell by whom, to me, for five hundred large bills, and a thouſand ſmall ones.

Q. Had you any converſation with Mr. Hardy about that additional order?

A. Yes; he ſaid he had heard that I refuſed to print them.

Q. Had you refuſed to print them?

A. I had actually refuſed.

Q. How long did you continue a member of the Society after you had refuſed ſo to print for them?

A. In fact, I had not frequented the Society for ſome time before that: I believe that was in the end of November, or the beginning of December.

Q. How much was the ſum he paid you?

A. Two guineas.

Q. You

Q. You named Mr. Margarot as one of the perſons preſent at thoſe meetings; in what character did he act?

A. He acted in the capacity of Preſident of the Delegates.

Q. In what character did the priſoner, Hardy, act?

A. As Secretary of the diviſion, and likewiſe as Secretary of the Society itſelf, I believe.

Lord Chief Juſtice Eyre. Was there any Secretary to the diviſion?

A. I do not know expreſsly; for I only was twice or three times at the furtheſt among the delegates.

Lord Chief Juſtice Eyre. And it was there that Hardy acted, was it?

A. He acted as Secretary to the Society at large.

Lord Chief Juſtice Eyre. Where was it that he acted?

A. At Mr. Byde's.

Lord Chief Juſtice Eyre. Do you mean that that was a meeting of the diviſion or of the delegates?

A. Of the diviſion.

Mr. Garrow. Was you ever at the Unicorn?

A. Yes; I was there once.

Q. Try to recollect any of the members you ſaw there?

A. There were a great many there; I knew very few.

Lord Chief Juſtice Eyre. Was that a diviſion meeting, or what?

A. I believe it was the ſame Society moved from the Bell to the Unicorn, the ſame Society or the ſame diviſion that was there.

[*The addreſs read.*]

"Addreſs of the London Correſponding Society to the other "Societies of Great Britain, united for the obtaining a Re- "form in Parliament.

"*Friends and Fellow Countrymen,*

"Unleſs we are greatly deceived, the time is approaching "when the object for which we ſtruggle is likely to come within "our reach. That a nation like Britain ſhould be free, it is re- "quiſite only that Britons ſhould will it, to become ſo. That "ſuch ſhould be their will, the abuſes of our original conſtitu- "tion,

" tion, and the alarm of our ariſtocratic enemies, ſufficiently wit-
" neſs. Confident in the purity of our motives, and in the juſ-
" tice of our cauſe, let us meet falſehood with proofs, and hypo-
" criſy with plainneſs, let us perſevere in declaring our princi-
" ples, and miſrepreſentation will meet its due reward—contempt.

" In this view, the artifices of a late ariſtocratic aſſociation,
" formed on the 20th inſtant, call for a few remarks, on account of
" the declaration they have publiſhed relative to other Clubs and
" Societies formed in this nation. It is true that this meeting of
" Gentlemen (for ſo they ſtyle themſelves) have mentioned no
" names, inſtanced no facts, quoted no authorities; but they take
" upon themſelves to aſſert, that bodies of their countrymen have
" been aſſociated, profeſſing opinions favourable to the rights of
" man, to liberty, and equality; and, moreover, that thoſe opi-
" nions are conveyed in the terms, No King, No Parliament.—
" So much for their aſſertions.

" If this be intended to include the Societies to which we re-
" ſpectively belong, we here, in the moſt ſolemn manner, deny
" the latter part of the charge; while, in admitting the former,
" we claim the privilege and glory in the character of Britons,
" whoever ſhall attribute to us, who wiſh only the reſtoration of
" the loſt liberties of our country, the expreſſions of No King,
" No Parliament, or any deſign of invading the property of other
" men, is guilty of a wilful, an impudent, and a malicious falſe-
" hood.

" We know, and are ſenſible, that the wages of every man are
" his right; that difference of ſtrength, of talents, and of induſtry,
" do, and ought, to afford proportional diſtinctions of property,
" which, when acquired and confirmed by the laws, is ſacred and
" inviolable; we defy the moſt ſlaviſh and malevolent man in the
" meeting of the 20th inſtant, to bring the remoteſt proof to the
" contrary. If there be no proof, we call upon them to juſtify
" an inſidious calumny, which ſeems invented only to terrify in-
" dependent Britons from reclaiming the rightful conſtitution of
" their country. We admit, and we declare, that we are friends
" to civil liberty, and therefore to natural equality, both of which
" we conſider as the rights of mankind. Could we believe them

" to

" to be ' in direct oppoſition to the laws of this land,' we " ſhould bluſh to find ourſelves among the number of its inhabi- " tants; but we are perſuaded that the abuſes of the conſtitution " will never paſs current for its true principles; ſince we are " told in its firſt charter, that all are equal in the ſight of the law, " which ' ſhall neither be ſold, nor refuſed, nor delayed, to any " free man whatſoever:' ſhould it ever happen that ' right and " juſtice' are oppoſed by expence, by refuſal, or by delay, then " is this principle of equality violated, and we are no longer free " men.

" Such are our notions of thoſe rights which it is boldly main- " tained ' are inconſiſtent with the well-being of ſociety.' But " let us not ſuffer men, who avow no principles of liberty, whoſe " favourite cry is inequality of property, to eſtrange others of our " countrymen from aiding us in ſerving the community, and " from recovering to the nation that ſhare of its ſovereignty " which has unhappily been ſacrificed to corrupt courtiers and " intriguing boroughmongers.

" If our laws and conſtitution be juſt and wiſe in their origin " and their principle, every deviation from them as firſt eſta- " bliſhed, muſt be injurious to the people, whoſe perſons and pro- " perty were then ſecured; if at the revolution this country was " adequately repreſented, it is now ſo no longer, and therefore " calls aloud for reform.

" If it be true that the people of Britain are ſuperior to other " nations, is it that our taxes are leſs burdenſome? or that our " proviſions are leſs expenſive? is it from the various produc- " tions of our ſoil that we are rich? is it owing to the majority " of our numbers that we are ſtrong? Certainly not. France has " the advantage in all theſe reſpects, and, up to this period, ſhe " has never been our ſuperior in wealth, in power, in talents, or " in virtues. But let us not deceive ourſelves, the difference be- " tween us and that nation was formerly, that our monarchy was " limited, while theirs was abſolute; that the number of our " ariſtocracy did not equal the thouſandth part of theirs; that we " had trial by jury, while they had none; that our perſons were " protected by the laws, while their lives were at the mercy of

" every

" every titled individual: we therefore had that to fight for, " which to them was unknown; ſince we were men, while they " were ſlaves.

" The ſcene indeed has changed; like our brave anceſtors of " the laſt century, they have driven out the family that would " have deſtroyed them; they have ſcattered the mercenaries who " invaded their freedom, and have 'broken their chains on the " heads of their oppreſſors.' If, during this conflict with mili- " tary aſſaſſins and domeſtic traitors, cruelty and revenge have " ariſen among a few inhabitants of the capital, let us lament theſe " effects of a bloody and tyrannous manifeſto, but let us leave " to the hypocrite pretenders to humanity, the taſk of blackening " the misfortune, and attributing to a whole nation the act of an " enraged populace.

" As we have never yet been caſt ſo low at the foot of deſpo- " tiſm, ſo it is not requiſite that we ſhould appeal to the ſame " awful tribunal with our brethren on the Continent. May our " enmities be written in ſand, but may our rights be engraven on " marble! We deſire to overthrow no property but what has " been raiſed on the ruins of our liberty: we look with reverence " on the landed and commercial intereſts of our country, but we " view with abhorrence that monopoly of burgage tenures, " unwarranted by law or reaſon in this or any other nation in " Europe.

" Let us then continue with pleaſure and firmneſs in the path " which is begun; let us then wait and watch the enſuing ſeſſions " of Parliament, from whom we have much to hope, and little to " fear. The Houſe of Commons may have been the ſource of " our calamity, it may prove that of our deliverance. Should it " not, we truſt we ſhall not prove unworthy of our forefathers, " whoſe exertions in the cauſe of mankind ſo well deſerve our " imitation.

(Signed) " MAURICE MARGAROT, Chairman.
" THOMAS HARDY, Secretary.

" *London*,
" *29th Nov.* 1792."

Mr.

Mr. Edward Lauzun. I found this paper in Mr. Hardy's houſe.

[*It was read.*]

4th March, 1793.

" SIR,

" The London Correſponding Society have at preſent to " acknowledge your laſt, and to anſwer more fully your preced- " ing letter.

" With regard to petitioning Parliament, we are unanimous " in the opinion that ſuch a petition will not produce a reform; " yet, from many conſiderations, we are now perſuaded that, if " every Society in the iſland will ſend forward a petition, we " ſhall ultimately gain ground; for as much as it will force the " preſent members of the Senate to repeatedly diſcuſs the ſubject, " and their deliberations, printed in the different newſpapers, " will moſt naturally awaken the public mind towards the object " of our purſuit. The nation, once informed that a reform in " Parliament is ſought for from different quarters, gives riſe to " debates in the Houſe of Commons, and is acknowledged by " every rank to be wanting, will begin to exerciſe their own " reaſon on this ſubject; arrived at that period, we preſume our " buſineſs will be nearly accompliſhed.

" Let us then cloſely follow up our Nottingham brethren; let " every Society petition ſeparately; let every week furniſh a freſh " petition, and afford a freſh debate. We ſeek to open the eyes " of the public: petitions on our part, and rejections on the part " of the Miniſtry, will effectually do it: we therefore highly " approve of your idea, and will ourſelves follow it up, and re- " commend it to all the other Societies we correſpond with; " and, withal, we recommend to you that no time be loſt in ſo " doing.

" With you, we lament the evils of an imprudent and inconſi- " derate war—a war rather eagerly ſought for the advancement of " private ends, than carefully deprecated from conſiderations of " public good; a conteſt unfavourable to this country, whether " either France or deſpotiſm gain the upper hand. We join with " you in gratitude to thoſe worthy members of either houſe who

" have

" have endeavoured to avert this national calamity, to whom we " have likewiſe returned our public thanks; and we remain, with " ſincerity and affection,

" Your friends and fellow-labourers,

" ——— ———."

No ſignature.

Addreſſed " Mr. William Camage, Sheffield."

Mr. Edward Lauzun. I found this paper in Mr. Hardy's houſe.

Mr. Garrow. This is a draught of a letter to Skirving; the original letter was found in Skirving's poſſeſſion.

[*It was read.*]

" Sir, " *London, May* 17, 1793.

" The London Correſponding Society eagerly ſeizes the op- " portunity of Mr. Urquhart returning to Edinburgh to requeſt " of your Society a renewal of correſpondence, and a more inti- " mate co-operation in that which both Societies alike ſeek, viz. " a reform of parliamentary repreſentation. We are very ſenſible " that no Society can of itſelf bring about that deſirable end. Let " us, therefore, unite as much as poſſible, not only with each " other, but with every Society throughout the nation. Our " petitions, you will have learned, have all of them been un- " ſucceſsful: our attention muſt now, therefore, be turned " to ſome more effectual means. From your Society we would " willingly learn them; and you, on your part, may depend " upon our adopting the firmeſt means, provided they are " conſtitutional: and we hope the country will not be behind " hand with us.

" This war has already opened the eyes of many, and, ſhould " it continue much longer, there is no anſwering for its effects on " the minds of the people.

" Our Society has met with much perſecution; neverthe- " leſs, we go on increaſing in numbers and political knowledge.

" Wiſhing you and our cauſe all ſucceſs, we remain moſt cor-
" dially,

" SIR,

" For the London Correſponding Society,

" Your friends and fellow-labourers,

(Signed) " M. MARGAROT, Chairman,

" THOMAS HARDY, Secretary.

" No. 9, Piccadilly.

" To the Secretary of the Society of the Friends of the People,
" Edinburgh." *Addreſſed on the back thus:*
" Mr. William Skirving, Secretary to the Convention of the
" Friends of the People, Edinburgh."

The Anſwer of William Skirving read.

Indorſed, " Received the 10th of June 1793; anſwered the
" 20th of July."

" Mr. Hardy, *Edinburgh*, 25th of *May*, 1793.

" SIR,

" Mr. Urquhart did me the pleaſure to call on Thurſday after-
" noon, and delivered your letter of the 17th current. I am
" much pleaſed with the contents of it, and ſhall lay it before the
" firſt meeting of our Societies here, which however does not
" take place till Monday ſeven-night. I would have acknow-
" ledged the receipt of your favour by yeſterday's poſt, but was
" too much employed in removing our houſehold to another
" lodging to attend to any thing elſe.

" If either you in England, or we in Scotland, ſhould attempt
" ſeparately the reform which we, I truſt, ſeek to obtain,
" we ſhould, by ſo doing, only expoſe our weakneſs, and mani-
" feſt our ignorance of the corruption which oppoſes our import-
" ant undertaking. If we ſought only the extirpation of one ſet
" of intereſted men from the management of national affairs, that
" place might be given to another ſet, without affecting the vitals
" adverſe to the ſyſtem of reform. Theſe might be eaſily accom-
" pliſhed; but to cut up deep and wide rooted prejudices, to give
" effectual energy to the dictates of truth, in favour of public vir-
" tue and national proſperity, in oppoſition to ſelf and all its in-
" tereſted habits, and to withſtand and overawe the final efforts
" of the powers of darkneſs, is the work of the whole, and not of a

" part,

" part; a work to which mankind, till this awful period, were " never adequate, becauſe never till now diſpoſed to fraternize; " not merely, or only, I truſt, from the ſenſe of the common " danger to which we are expoſed, but from the ennobling prin- " ciple of univerſal benevolence.

" I know no greater ſervice that I can do my country, than to " promote the union you ſo wiſely deſire; and I am happy to " aſſure you that I have hitherto diſcovered no ſentiment in our " aſſociation adverſe to the moſt intimate and brotherly union " with the aſſociations in England.

" I think the minds of all muſt, in the nature of things, be " now turned to more effectual means of reform. Not one per- " ſon was convinced of the neceſſity of it by the moſt convincing " arguments of reaſon, together with the moſt unequivocal ex- " preſſions of univerſal deſire; what then is to be hoped for from " repetition? I am only afraid that the bow in England againſt " reform was ſo contracted that, in returning, it may break. " You would willingly learn, you ſay, from us: I own that we " ought to be forward in this: we have at once, in great wiſdom, " perfected our plan of organization; and, if we were in the ſame " independent ſtate of mind as the people of England, we would " be able to take the lead. The aſſociations with you are no " more, I fear, (excuſe my freedom) than an ariſtocracy for the " good of the people: they are indeed moderate, firm, and vir- " tuous; and better cannot be: but we are the people themſelves, " and we are the firſt to ſhew that the people can both judge and re- " ſolve, if undirected by faction, with both wiſdom and moderation.

" I have not a higher wiſh, in the preſent exertions for reform, " than to ſee the people univerſally and regularly aſſociated, be- " cauſe I am perſuaded that the preſent diſaſtrous engagements " will iſſue in ruin, and the people then muſt provide for them- " ſelves; and it would be unhappy, when we ſhould be ready to " act with unanimity, to be occupied about organization, with- " out which, however, anarchy muſt enſue. We will not need " but to be prepared for the event, to 'ſtand and ſee the ſalva- " tion of the Lord.' Let us therefore take the hint given us by " our oppoſers; let us begin in earneſt to make up our minds " relative to the extent of reform which we ought to ſeek; be

" prepared to juſtify it, and to controvert objections; let us mo-
" del the whole in the public mind; let us provide every ſtake
" and ſtay of the tabernacle which we would erect, ſo that when the
" tabernacles of oppreſſion in the palaces of ambition are broken
" down, under the madneſs and folly of their ſupporters, we may
" then, without anarchy and all dangerous delay, erect at once our
" tabernacle of righteouſneſs, and may the Lord himſelf be in it!

" How hurtful to the feelings of a reflecting mind to look back
" to the wretched ſtate in which the Roman monarchy, enfeebled
" and broken by its own corruptions, left the nations which it had
" ſubjected! like 'ſheep without a ſhepherd' they ſoon became
" a prey to every invader, becauſe there was none to gather and
" unite them: had they, foreſeeing the evil, aſſociated for mutual
" defence, no robber would have been able to enſlave them; they
" would have given laws to all parties, as well as to themſelves; all
" ſeparate colonies and nations would have ſought their alliance:
" but not having virtue to aſſociate and heal the diviſions, and root
" out the ſelfiſh ſpirit, which ambition foſtering governments pro-
" cure to their ſubjects, they fell under oppreſſions, from under
" whoſe iron ſceptre they have never yet been able to deliver them-
" ſelves.

" We may ſuppoſe an event which we deprecate; nay, ſhould
" we not be prepared for every poſſible iſſue of the preſent unpre-
" cedented diviſions of mankind, we have a right to be apprehen-
" ſive of the abilities of our own managers, who are ſo afraid to
" depart from precedent, that, like men of detail, they may be
" inadequate to the taſk of preſerving the veſſel from ſhipwreck,
" now grappling with danger, not only great, but new and un-
" common. If the preſent Miniſtry fail, who after them ſhall
" be truſted? It requires little penetration to ſee the anarchy and
" diſcord which will follow: it will be ſuch that nothing ſhort of
" a general union among the people themſelves will be able to heal:
" haſte, therefore, to aſſociate, at leaſt to be ready to aſſociate. If
" then, ſuch a broken ſtate of things ſhould take place, the civil
" broils that would neceſſarily enſue would ſoon ſubſide before the
" united irreſiſtible voice of the whole. Do not, I entreat you,
" heſitate thinking ſuch a work premature as yet: but a month,
" and then it may be too late. A malignant party may be already
" formed, and only waiting for the halting of the preſent ma-
" nagers;

"nagers; it will then be too late to ſeek to ſubject to deliberation, "after a party has dared the act of rebellion. If you go no fur- "ther than ſeparate meetings in different towns, we will not be "able to confide in your confraternity, becauſe, while in ſuch "a ſtate, you may be but the tools of a faction. We could "have all confidence, and unite with all affection in one aſſem- "bly of commiſſioners from all countries of the world, if we "knew they were choſen by the unbiaſſed voice of the people, "becauſe they would come up with the ſame diſintereſted views "and deſires as ourſelves, having all agreed to a common centre "of union and intereſt; but we could not confide in fellow- "citizens who kept aloof from ſuch union, and would not pre- "viouſly affiliate in one great and indiviſible family.

"In troubling you with ſo long an epiſtle, I have at leaſt "ſhewn my inclination to correſpond. I have alſo hinted at "things which appear to me the preſent ſubjects of conſidera- "tion, becauſe I am deſirous of your opinion upon them; I "have poſſibly wrote with too much freedom, but you will "place it to account of zeal in the cauſe, and on this ſcore "diſcharge my deſign, which is diſintereſted and philanthropic.

"With ſincere eſteem and affection,

"I am, Sir,

"Your well-wiſher,

"W. SKIRVING, Secretary."

Mr. Lauzun. I found this paper in Mr. Hardy's poſſeſſion.

[*It was read.*]

"SIR, "10th *June*, 1793.

"It is with ſingular ſatisfaction the Committee of the London "Correſponding Society received your letter; they are very glad "to ſee the ſpirit of freedom ſpringing up in Birmingham; and "they make no doubt but that the zeal of your Society, and the "increaſe of your numbers, will ſoon do away the ſtigma "thrown on your town by the unjuſtifiable behaviour of a "Church and King mob. We are entirely of your opinion "with regard to the neceſſity of a general union; and we be- "lieve, as you do, that when once the country ſhall have ſo "united, the Neros of the day will be forced to yield to the "juſt demand of a long and ſore oppreſſed people

" With pleaſure we accept your proffered correſpondence,
" and earneſtly beg of you to let us hear from your Society by
" every opportunity. We wiſh likewiſe you would point out to
" us ſome ſafe mode of conveyance for ſuch informations and
" publications as we may think neceſſary to be tranſmitted to you.
" The poſt we no ways rely on, as many of our letters have
" already been intercepted.

" If any of the members of your Society ſhould have occaſion to
" viſit this metropolis, we hope you will not let him come with-
" out a letter from you, and that while they ſtay here they will
" frequently aſſiſt at the meetings of our ſeveral diviſions, and
" by thus aſſociating, commence an union which we hope ſoon
" to ſee ſpread itſelf all over Britain.

" We will not enter into a detail of our grievances; we are
" equally well informed thereon, and all alike thoroughly con-
" vinced, that nothing ſhort of annual parliaments and univerſal
" ſuffrage can reſtore to us that degree of civil liberty we are
" juſtly entitled to, &c. &c.

" M. M.——C.
" T. H.——S."

" To Mr. T. Kilmiſter, Secretary to the Birming-
" ham Society for Conſtitutional Information."

Mr Lauzun. I found this paper in Mr. Hardy's houſe.

[*It was read.*]

" The Political Societies of Norwich to the Secretary of the
" London Correſponding Society.

Indorſed, " Received the 25th of June, 1793; anſwered the
" 25th of July, 1793.

" SIR,

" I lately received your letter from Mr. ——————, dated
" April 22, which, through multiplicity of buſineſs, we have
" omitted to anſwer—hope you will excuſe the delay. We alſo
" received your friendly letter, prior to that, wherein you ſtated
" three propoſitions: Firſt, a petition to his Majeſty, or to
" Parliament, or a National Convention, and ordered one of

" our

" our Committee to anſwer it. Should be glad if you will in-
" form me whether it was attended to; I gave my opinion on
" the ſubject to the Conſtitutional Society of London, and
" found their ideas congenial to my own, viz. An addreſs to
" the King—futile; a petition to Parliament (as a conquered
" people)—tolerable; a National Convention (if circumſtances
" admitted)—beſt of all. To what an alarming criſis are we
" arrived!—the junto is formed and eſtabliſhed—the people be-
" come a prey, and (to adopt the phraſe of an Hibernian apoſ-
" tate) are treated as a Swiniſh Multitude, except the privilege
" of fattening. Wars muſt commence at the caprice of indi-
" viduals; people torn from their houſes to be butchered; wind-
" mills muſt be attacked, at the riſk of being carried over and
" daſhed to atoms; the nation drained of its ſuſtenance to ſup-
" port a league, &c. &c. &c. Many epithets may with great
" propriety be applied, excepting ſuch as Fox, Sheridan, Grey,
" Erſkine, Lanſdowne, Lauderdale, Stanhope, Paine, Prieſtley,
" Tooke, Wharton, Macleod, Barlow, Mackintoſh, Cooper,
" beſides many who have ſuffered under the iron hand of, &c.
" and when the people have complained, and humbly requeſted
" a removal of abuſes, they have been treated with inſult.
" Alas! where is the Majeſty of the People? An indifferent
" obſerver would ſuppoſe it to center in ſtars and garters, rib-
" bons, and coſtly apparel, palaces, coaches and horſes, with all
" the trumpery of puerile amuſements; and were it not for
" their accurſed conſequences, we could bear with it; but when
" we conſider how many ſweat, and toil, and ſtarve, to ſup-
" port it, how can we be perſuaded but that there is a contrivance
" between the land owners and the merchant to hold the peo-
" ple in vaſſalage? for they eat up the people as they eat bread;
" the influence of the ariſtocracy and hierarchy is become very
" alarming, for they have abſorbed and ſwallowed up the people;
" but a rumour is ſpread from the South, and it is terrible to
" tyrants; it ſtings their mind—it galls their fleſh—and like
" Paſhur, are a terror to themſelves, leſt the people ſhould
" aſſert their rights.

" Yours, &c.

" H. BUCKLE."

" Pleaſe to direct to H. Buckle."

Mr. Garrow. We now propoſe to read an anſwer to the laſt letter, found in the poſſeſſion of the priſoner.

Mr. Lauzun. I found this paper in Mr. Hardy's houſe.

[*It was read.*]

" *London 25th of July*, 1793.

" FELLOW CITIZEN,

" The London Correſponding Society have received, and " read with pleaſure, your letter of the 25th of June; but the " anſwer which you mention to have been made to our three " queſtions has not yet come to hand. We ſhall be glad to be " informed in your next, whether it was ever put in the Poſt-" office.

" With regard to the queſtions themſelves, however indivi-" duals may have made up their minds on them, the public " ſeemed moſt to approve the mode of petitioning Parliament. " We accordingly acquieſced, and ſent in a petition ſigned by " near 6,000 perſons. With this letter you will receive a copy " of it; and with its fate you are doubtleſs not unacquainted.

" While we agree with you, that the people are treated like " ſwine, we are forced to acknowledge, that ſome among them, " from their ſloth and ignorance, ſcarcely deſerve better uſage; " however, unceaſingly labouring to meliorate their condition " as well as our own, and convinced that a thorough Parlia-" mentary Reform is the only means of effectuating it, we " firmly purſue our purpoſe, and in the moſt conſpicuous man-" ner; under the eye of the court, in the middle of the metro-" polis, and in the very neſt of place and penſion hornets, the " Tavern where Reeves, the tool of the junto, holds his inqui-" ſitorial tribunal, have lately held a general meeting of the " Society, ſent forth an addreſs to the nation, and entered into " ſome ſpirited reſolutions; a few copies of which we deſire you " to accept, and promulgate as far and as wide as you can; at " the ſame time reſt aſſured, that the firmneſs diſplayed therein " is not confined to words, but that on every occaſion our So-

" ciety

" ciety will be found foremoſt in aſſerting and recovering the " liberties of their country.

" Exhorting you, therefore, to throw aſide all unavailing " complaint, we wiſh you to occupy yourſelves in inſtructing " the people, in introducing and maintaining order and regu- " larity in your own Society, and in forming a junction with " all others aſſociated for the ſame purpoſe throughout the " nation, by keeping up a conſtant correſpondence with them; " but, above all, orderly and courageouſly preparing yourſelf " for the event; for as it is natural to ſuppoſe that thoſe who " now prey on the public will not willingly yield up their enjoy- " ments, nor repoſſeſs us of our rights without a ſtruggle, " which by their behaviour in Ireland we have ſome reaſon to " think they are meditating, and perhaps may intend to effect " by means of thoſe very foreign mercenaries who are now paid " by the ſweat of our brow, and whom, under ſome plauſible " pretence, it would be no difficult matter to land on our " ſhore. It may be more advantageous to humanity to ſhew " them at firſt, that their opponents are neither mob nor rabble, " but an indignant oppreſſed people, in whom is not yet entirely " extinct the valour of their forefathers.

" Union and increaſe being then our only reſources, let us " diligently exert ourſelves therein with zeal and patience, re- " moving ignorance and prejudice with firmneſs, and a conſiſtent " behaviour; encouraging thoſe who join us; and above all, avoid- " ing little bickerings among ourſelves, ever diſcountenancing " ſelfiſh jealouſies and private animoſities, and cordially joining " with heart and hand in the common cauſe.

" Your neighbourhood muſt ſeverely feel the dreadful conſe- " quences of an iniquitous, depopulating, and ruinous war; but " you are not the only ſufferers. From various parts of the " country we learn, that the war abroad has already ſpread de- " ſolation at home; yet ſuch is the blindneſs of ſome folks, that " they talk of its being continued for years. Peace we wiſh to " all men; but to ſuch fiends deſtruction. Let us hear from " you ſoon, and let our future correſpondence be more regular.

" We are, with ſincerity, fellow citizen, for the London Cor-
" reſponding Society, as

" Your Friends and Fellow Labourers,
" For the good of our country,
" M. M.
" T. H."

Mr. Erſkine. My Lord, I ſhould wiſh to put a queſtion—the anſwer to which, indeed, I already foreſee—whether my friends acroſs the table think there will be any probability of their being able to finiſh their evidence within a time that human nature is equal to pay attention to it; becauſe if not, to be ſure your Lordſhips will be under the neceſſity of taking ſome ſtep to hear this extraordinary cauſe in a manner conſiſtently with that juſtice which is due both to the Crown and to the priſoner. I confeſs, that for one, I do not feel myſelf at all fatigued, and am extremely ready to go on, and to remain here any length of time which my duty to the priſoner can poſſibly require; but if the evidence on the part of the Crown ſhould go on to ſuch an extent as that it would be impoſſible either for your Lordſhips or the Jury to give any further attention, (and your Lordſhips and the Jury are but men) then the priſoner's defence could not poſſibly be heard; therefore, I ſhould humbly ſuggeſt, if your Lordſhips find it is in your power to put this into any train,—I would aſk my learned friends, whether they can finiſh their evidence to-night?

Mr. Bower. It is impoſſible.

Lord Chief Juſtice Eyre. What is your own judgment as to the courſe we ought to purſue? Mr. Attorney General, have you nearly concluded your evidence?

Mr. Attorney General. Not half.

Mr. Erſkine. It is very material for us that the Jury ſhould hear——

Lord Chief Juſtice Eyre. As to what is now hinted at, it is matter of very great importance to the public juſtice of the country in every view of it. It is undoubtedly a general rule, that there is to be no adjournment and no ſeparation of the Jury after the

the evidence is entered upon, until the Jury have given their verdict. That is a rule which I ſhall never willingly depart from, nor ever conſent to depart from but in a caſe of extreme neceſſity, and where therefore the neceſſity of the caſe will juſtify a deviation from the ſtrict rule of law.

I think the neceſſity does exiſt in every caſe in which it ſhall appear that the cauſe will go into ſuch a length that the attention of a Jury cannot be kept alive to it throughout, without the aſſiſtance of ſome refreſhment; and where, from that length, they cannot have that aſſiſtance from the Court, which by law they are entitled to have; provided that neceſſity, therefore, is apparent in this caſe, I ſhould certainly readily incline to enter into a conſideration of the queſtion, whether we can, and, if we can, whether we ought to adjourn; and in what way it may be done.

I know that, in point of fact, there was an adjournment in one criminal caſe; but that was a miſdemeanor: there was a doubt ſtarted whether in that caſe, though the Court adjourned, the Jury ſhould not be kept together. I have not been able to learn with any certainty what the fact was; but there is one circumſtance from whence I do conclude that, in truth, the Jury could not have been kept together during the whole of that time, becauſe the adjournment there was over an entire day at two different times in the courſe of the hearing of that cauſe; and I have no imagination that the Jury were kept together during all that time, unleſs the adjournment over the day was only for a few hours; but it is ſo long ago, that few people remember how it was; I conceive that, under that adjournment, the Jury muſt have been allowed to ſeparate.

I am not ſatisfied that, in ſtrict law, there is a clear diſtinction between the caſe of allowing a Jury to ſeparate in a miſdemeanor and in a capital caſe. I believe the rule of law is the ſame; and I am inclined to think that the ſtrict rule was, that, even in a civil caſe, the Jury could not ſeparate after the caſe was once gone into.

In the 14 Harry VII. there was a queſtion debated in the Exchequer Chamber (it is in the year book) upon the effect of the Jury having, in conſequence of a violent ſtorm to which they were

were expoſed, ſeparated for a time; they afterwards returned again, and delivered their verdict. But the principal doubt that aroſe in that caſe, was the circumſtance of a Juryman having taken ſome refreſhment from the hand of a friend of one of the parties; however, that queſtion never was decided; and I do not know that there is any other caſe in which the queſtion has been much conſidered: therefore, if the Counſel for the priſoner make the application to the Court upon the ground of a neceſſity intereſting to the priſoner, and if the Counſel for the proſecution conſent to that application upon ſuch grounds as are proper to influence the judgment of the proſecutor, it ſeems to me that, in ſome way or other, it would be right that an adjournment ſhould take place. I ſhould have no difficulty with regard to the Court; the difficulty that occurs to my mind is with regard to the ſeparation of the Jury. Regularly, and properly, and agreeably to the ancient courſe, the Jury ought to be kept together.

There are a great number of civil caſes in the old books where the Jury could not agree, or ſomething happened in the courſe of the cauſe that made it neceſſary for the Court to be conſulted before the cauſe could proceed. The practice was where the Jury was ſent for from the country to Weſtminſter Hall, there a hoſtel was provided for them, and they were always ſent back to their hoſtel; there they were attended by an officer, and kept from all communication: but modern times have totally changed the habits of buſineſs, and there are hardly any traces of that now left, and that ſort of thing is impracticable.

I made ſome inquiry what might be done (the ſubject, you ſee, was not totally out of my thoughts) if it ſhould ſo happen that the neceſſities of public juſtice ſhould extort from us a departure from the general rule: and the Sheriffs, who have been always diſpoſed to do what is right for them to do, and to give us all the aſſiſtance that is poſſible, did promiſe that they would endeavour to accommodate the Jury in this houſe: whether that can be done, or whether we can depart even from that ſtrictneſs, and ſuffer the Jury to go to their own houſes, upon the application of the priſoner and the conſent of the proſecutor, taking their word of honour that they would have no communication with any body upon the ſubject of this cauſe; that is a queſtion upon which

I ſhould much wiſh to hear what my brothers have to ſay, after aſking the queſtion again of the Sheriff, what can be done here?

Mr. Sheriff Eamer. My colleague and I have made the beſt proviſion the place will admit; we have prepared a room and beds.

Lord Chief Juſtice Eyre. It is a diſtreſſing thing to put the Jury into theſe circumſtances, which I ſhould be ſorry for, but it is better than ſitting up for three days and two nights, which, for any thing I can ſee, muſt be the caſe. I am very ready to take my ſhare of the fatigue, but my apprehenſion is, that the cauſe cannot be ſo effectually tried as it would be if the Court and Jury had the refreſhment of food and reſt.

Mr. Erſkine. It is impoſſible to figure to one's ſelf a more delicate ſituation than that which we hold who ſtand as Counſel for a perſon who is upon trial for his life: at the ſame time, my Lord, I can have no difficulty in ſaying that I ſhould think the priſoner at the bar perfectly ſecure in taking the ſolemn word of honour of each Gentleman upon the Jury that he would not be approached (as no Gentleman upon the Jury would be approached) by any man living upon the ſubject of the cauſe: and I am very ſure that, if I could not depend upon the word of honour of each Gentleman of that Jury, in fulfilment of that pledge, I ſhould addreſs them to very little purpoſe, even upon their oath. I ſhall recommend, as to the priſoner at the bar, to give that indulgence to the Gentlemen, under the very peculiar circumſtances of the caſe.

Lord Chief Juſtice Eyre. I think it is not ſimply that he may give that indulgence, I think he muſt aſk it as neceſſary to his defence.

Mr. Erſkine. I certainly adviſe him to aſk it, I aſk it upon the difference of being in this houſe or going to their homes. The Gentlemen ſeem to have paid very great attention to this cauſe hitherto; it is my earneſt wiſh they may do ſo throughout, to the evidence on the part of the Crown as well as to the evidence on the part of the defendant; and I am willing that they ſhall be as free as air, with the ſingle reſtriction, that they will not ſuffer themſelves to be approached in the way of influence; and

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the Gentlemen will not think it much that that ſhould be required, conſidering the very peculiar nature of this caſe.

Lord Chief Baron Macdonald. The reaſon why the Jury ſhould never ſeparate was, that they ſhould not give in their verdict under any improper impreſſion; but if that ſhould ſuperinduce an utter impoſſibility that juſtice could be done either by the Jury or the Bench; nay, by the witneſſes poſſibly, whoſe recollection, if they ſit up for many hours, muſt be extremely imperfect: and if the Gentlemen at the bar cannot do juſtice to their clients on either ſide,—if that is the caſe, and juſtice cannot be done, you muſt look to the priſoner, his caſe requires equal regard. The proſecutor's evidence had the opportunity of being heard when the Jury were freſh; now, if they are incapacitated to attend to his caſe in the way that his caſe requires, juſtice will not be done to him.

If we are under the abſolute neceſſity of departing in ſome degree from the ſtrict rule, I think we ſhould depart as little as poſſible; and, therefore, I confeſs the only heſitation in my mind is between the Jury's being accommodated here and their going home to their own houſes: I have a great deal of difficulty, I own, about that.

Mr. Erſkine. I wiſh to be underſtood that it was a matter of great indifference to me, and it only aroſe from a deſire I had in my mind that the Jury ſhould not be deprived of going home to their own families for want of a conſent from me, and I am perſuaded I hazard nothing by that conſent.

Mr. Garrow. We have the ſame anxious deſire, provided it can be done conſiſtent with the rules of law, that the Jury may be accommodated.

Lord Chief Juſtice Eyre. If the Jury live at a great diſtance, they might rather chooſe to ſleep here.

One of the Jury. I live at Marybone, and am rather an invalid, but I would rather go home.

Several of the Jury ſaid they wiſhed to go home.

Mr. Baron Hotham. Mr. Erſkine ſtated himſelf to be in a very delicate ſituation, which he certainly is; and it is impoſſible for him not to ſee that the Court alſo are in a very delicate ſituation;

tion; becauſe, as to ourſelves, if the adjournment is to take place, every body knows that there is no reaſon why we ſhould be kept in this houſe; we may go to our reſpective homes; at the ſame time, there never has been an inſtance of a Jury ſeparating, and going away in the manner that is now propoſed. I confeſs I think that there may be very ſerious conſequences from it. As to the neceſſity, I think nobody can reſiſt it; it is evident that the trial muſt go to ſuch a length, that it cannot be proceeded upon ſafely without ſome ſort of an adjournment of that kind: but I do foreſee very ſerious difficulties hereafter, as well as perhaps in this very caſe, in Gentlemen going home, and ſeparating themſelves. It is a very delicate and unpleaſant ſituation to be obliged to ſay to Gentlemen that they muſt be kept here all night; but really, if I am forced to ſpeak, I think that they ought not to ſeparate.

Mr. Juſtice Buller. Here is an Alderman who remembers the trial of Bet Canning; he informs me that, to his knowledge, the Jury went home during that trial.

Mr. Alderman Newman. I remember it perfectly well; I ſpent the evening with one of the Jury.

Lord Chief Juſtice Eyre. Do you think you are able to go on all night? if you do go on all night we ſhall make but a certain progreſs, and I am afraid we ſhall be in no condition to purſue our buſineſs to-morrow.

Mr. Juſtice Buller. I underſtand the Sheriffs have beds prepared here for all the Jury.

Mr. Sheriff Eamer. There are beds and mattraſſes prepared.

Lord Chief Juſtice Eyre. The rule of law is clear beyond all doubt; at the ſame time, the neceſſity of public juſtice ariſes diſtinctly and viſibly, and is felt by all mankind: in my apprehenſion, that will juſtify a departure from the ſtrict rule, but it will only juſtify that departure as far as the neceſſity goes, and there the difficulty is: but, to be ſure, if the Jury can be accommodated, and can have that refreſhment which is neceſſary to go on, without ſeparating, then the neceſſity I have been ſpeaking of does not carry them through the whole caſe of being allowed to ſeparate. As there is no doubt in any body's mind about it,

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we muſt deſire the Sheriffs to give the Jury all the accommodation they can furniſh them with, and we muſt deſire of them to ſubmit to a difficulty which I am very ſorry is impoſed upon them, but which I do not ſee any means of avoiding. Bailiffs muſt be ſworn to attend the Jury. The Counſel for the priſoner will obſerve, that the record muſt be made up as of the firſt day of the trial.

Mr. Erſkine. Be it ſo, in the moſt emphatical way, for the purpoſes of law and juſtice.

Four Bailiffs were ſworn to attend the Jury.

Mr. Erſkine. My Lord, all this immenſe body of papers has been ſeized, and been a long time in the hands of the officers of the Crown—We applied to ſee them, but were refuſed—we applied to the Privy Council, and were refuſed—we were referred to your Lordſhip, becauſe they knew your Lordſhip could not grant ſuch a requeſt—we are therefore here with all theſe papers tumbled upon our heads without the leaſt opportunity of examining them, and yet from this maſs of papers, which the Attorney General took nine hours to read, the act of compaſſing the King's death is to be collected. From a view of the whole, I truſt your Lordſhips will be diſpoſed to indulge me—indeed I ſhall expect, in juſtice to the priſoner, that I may have an opportunity, before I addreſs the Jury upon this maſs of evidence, to know what is in it, becauſe your Lordſhips muſt very well know that, though taking all the pains I can to look at it as it is read, yet it is quite impoſſible for the human mind to take it in, or form any idea of it, without an hour or two at leaſt (for I ſhould not require more) to take it into conſideration. When I look acroſs the table, and ſee I am addreſſing myſelf to honourable gentlemen of the profeſſion, who know the ſituation I am in, I cannot doubt their conſent—and the reaſon I mention it now is, that there may not be any inconvenience to your Lordſhip in praying this upon the ſudden.

I declare, upon my honour, as far as relates to myſelf and my Friend who is aſſigned as Counſel for the Priſoner, we have

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no deſign whatever to treſpaſs upon the time and patience of the Court, and your Lordſhips have ſeen to-day how little of your time we have conſumed—we have no deſire upon earth, I appeal to God in it, but to do our beſt, to do juſtice to the perſon your Lordſhip has aſſigned us Counſel for.

Lord Chief Juſtice Eyre. We ſhall certainly be diſpoſed to give the Counſel for the Priſoner all reaſonable opportunity to make the beſt defence the nature of the caſe is capable of. I obſerve the greater number of papers that have been read, and the moſt important as yet, are papers that are printed, and before us, therefore, there can be no difficulty as to them, for I have no doubt that the printed papers have been very well conſidered —To-morrow we ſhall ſee what the papers will be; if there are any which appear to us, or ſhall appear to you, to be papers that require a careful caſting your eye over before you prepare for your defence, I ſhall certainly propoſe to the Court that you ſhould have a reaſonable opportunity for ſo doing.

Mr. Erſkine. Thoſe that are printed are thrown together, your Lordſhip muſt obſerve, in a ſtrange way.

Lord Chief Baron Macdonald. With reſpect to the complaint of the Privy Council, there is no inſtance, I believe, of their ever ſuffering ſuch a communication.

Mr. Erſkine. I am not complaining of the Privy Council—we were referred by the Privy Council to the Crown, and by the Crown to your Lordſhip.

Lord Chief Juſtice Eyre. I do not think it poſſible for the Court to have interfered upon any ground. It is one thing to permit the priſoner to ſee the evidence that is to be made uſe of againſt him, and it is another thing, if it ſhould ſo happen, that in the ſeizing of his papers there are papers not fit to be made uſe of againſt him, but that are neceſſary for his defence, that ſuch papers ſhould have been ſeen; in that caſe, I apprehend that upon an application to the Privy Council or the Secretary of State, that they would do what public juſtice requires—order acceſs to ſuch papers. The papers which are to be produced by the proſecutor, a priſoner never has by law, nor ought to have,

have, an opportunity of examining till they are produced in evidence. Papers that are not neceſſary for the proſecution, but neceſſary for his defence, come under a very different predicament, and I think the rule held upon them would be very different.

Mr. Law. The papers in the caſe of Mr. Sayre had been ſeized, and the Chief Juſtice ſaid, give notice of the papers you want, and move for them.

Lord Chief Juſtice Eyre. If you aſked to look at thoſe papers which were intended to be produced againſt you, I do not think that was right.

Mr. Gibbs. We aſked to look at that book, that we might ſee what papers were neceſſary for our defence.

Lord Chief Juſtice Eyre. I believe we had better not diſcuſs the thing now.

Adjourned (it now being a quarter paſt 12 *o'clock on Tueſday morning) to eight o'clock.*

SESSION-

SESSION HOUSE IN THE OLD BAILEY,

Wedneſday, October 29th.

PRESENT,
Lord Chief Juſtice EYRE;
Lord Chief Baron MACDONALD;
Mr. Baron HOTHAM;
Mr. Juſtice BULLER;
Mr. Juſtice GROSE;
And others his Majeſty's Juſtices, &c.

Thomas Hardy ſet to the bar.

Mr. John Gurnell. I found this letter among the priſoner's papers.

[*It was read.*]

"DEAR SIR, *London, the 5th Octr.* 1793.

"With pleaſure I peruſe your favour of the 2d inſt. but as "yet have ſeen nor heard nothing of the two copies of Mr. "Muir's trial, which you mention as being ſent to the Society "and myſelf; be kind enough, notwithſtanding, to return that "gentleman thanks for his polite attention, and aſſure him, that "we view him in the light of a martyr to freedom as well as Mr. "Palmer, and that our warmeſt hopes are, that the oppreſſors "of mankind will either be aſhamed or afraid of carrying their "revengeful malice into execution.

"The general Convention which you mention, appears to Mr. "Margarot (to whom alone I have communicated your letter) "and myſelf to be a very excellent meaſure; and as ſuch, I "could wiſh you without delay to communicate it officially to our "Society, without any ways mentioning that you had written "to me privately. If, in your official letter, you ſhould require "of us to ſend a deputation to that meeting, I have no doubt "but our Society would with pleaſure accept the invitation; and

" I am perſuaded it would do much good. Our freedom, as " you juſtly obſerve, depends entirely upon ourſelves, and upon " our availing ourſelves of this opportunity, which, once loſt, " may not be ſo ſoon recovered. I am glad to diſcover by your " teſtimony, that I was not miſtaken in the high opinion I al- " ways had of Lord Daer's patriotiſm; a title may be a bar to " diſintereſted patriotiſm, but it ſeems, he has evinced it not to " be an inſuperable one.

" You are right, it is true, that we have had another general " meeting, at which a haſtily compoſed, and ſuddenly produced " Addreſs to the King was read, applauded, and agreed to be " preſented, but on a cool reviſal, the ſaid addreſs being found " to be more ill-natured than ſpirited, more dangerous in its " language than advantageous in its object, beſides being too " long, the Committee, with the approbation of the Society, " have adopted another much ſafer, more appoſite, and relating " ſolely to the war—incloſed you have a copy of it. But you " was miſinformed, when you was told we paſſed any reſolution " at that meeting, for we only came to one, and that rather of " a private nature, namely, that the conduct of Sir James " Saunderſon in preventing the meeting of the London Cor- " reſponding Society at the Globe Tavern, Fleet-ſtreet, was " of ſuch a nature as to place him below our cenſure.—Dear " Sir, pleaſe to write to the Society as ſoon as poſſible, officially. " I am, moſt ſincerely,

" Your fellow-labourer,

" And well-wiſher,

" THOMAS HARDY.

" P. S. Mr. Margarot deſires to be remembered to you in " the moſt affectionate manner. Do not in future, on the ad- " dreſs of your letters to me, mention any thing of the London " Correſponding Society, for it was a thouſand to one that I " received that letter by poſt."

" Mr. Wm. Skirving, Head of the
" Horſe Wynde, Edinburgh."

Mr. Thomas Maclean. I found this letter at Mr. Adams's.

Mr. Wood to *Alexander Grant.* Look at the indorſement on this

this letter. Do you believe that to be the priſoner's hand-writing?

A. The indorſement is.—"To be returned to the Committee "on Thurſday next."—I believe that is Mr. Hardy's hand-writing.

[*It was read.*]

"BROTHER HARDY, *Edinburgh, Oct.* 5th, 1793.

"The letter and this paper will explain themſelves. I was at "a meeting on the day this mentions, and the determination of "the aſſociation are univerſal ſuffrages and annual parliaments, "and it was the unanimous deſire and wiſh of that meeting, "that two perſons, if poſſible, ſhould be ſent from our Society "in England, as delegates, to meet our dear northern friends "in the enſuing convention. I muſt earneſtly deſire the ſaid "wiſh of our friends here may be complied with, as it will add "to the dignity of our aſſociation in particular, and to the con-"vention in general, and will further the common cauſe much, "in a way the judgment of our aſſociation muſt hit upon, with-"out any explanation of mine. If any perſon could be elected "of ſound principles, a clear underſtanding ſpeaker, with a long "head and a good warm heart in the cauſe of freedom, having "it in view, and not his own aggrandizement, ſuch a delegate "would be of great ſervice. If ſuch a one is choſen, he muſt "be here by the twenty-ninth day of this month, as the conven-"tion meets on that day; and if my poor feeble efforts will be "of any ſervice to the convention as the other delegate, the "London Correſponding Society may command me for the "ſupport of their intereſts as far as I am capable; but thoſe of "you who know me, know I am no ſpeaker, much leſs an "orator, but this I will ſay, my heart lies in the right place, "and hates and abhors all deſpots. Pleaſe to communicate this "to our friends, and let me know the Society's determination, "if they will honour me with their confidence. I am often "with our friend Muir; he bears his confinement with a forti-"tude of ſoul, inſpired with the genius of liberty; he is well. "I have much to ſay, but I muſt leave off. This letter will be "delivered by my ſervant, which muſt have a ſpeedy anſwer,

"becauſe of the approaching meeting here. Every thing of "moment I will communicate to you from time to time; and "wiſhing deſtruction to all human butchers, and ſucceſs to all "friends of liberty,

"I remain, brother Hardy,

"Yours to command,

"A. CALENDER."

"My ſervant will ſhew you my direction."

Mr. William Scott. (Sworn.)
Examined by Mr. Wood.

Q. Where did you find this paper?

A. It was found among the papers of William Skirving, Secretary to the convention at Edinburgh.

Alexander Grant ſaid he believed it to be the priſoner's hand-writing.

[*It was read.*]

"DEAR SIR, *London*, 25th *Octr.* 1793.

"According to promiſe, I have this day to acquaint you, "that we had yeſterday a general meeting of the London Cor-"reſponding Society, for the purpoſe of taking into conſidera-"tion your kind invitation to ſend two delegates to the conven-"tion which is to be held in Edinburgh. The Society have for "that purpoſe made choice of Maurice Margarot and Joſeph "Gerrald, who will both be with you ſhortly, and will deliver "into your convention their vouchers of delegation. For the "recital of the curious incidents attendant on our general "meeting, I refer you to the delegates themſelves.

"I am, moſt ſincerely,

"Your reſpectful friend and well-wiſher,

"THOMAS HARDY."

"No. 9, Piccadilly.
"Mr. Wm. Skirving, head of the
"Horſe Wynde, Edinburgh."

Mr. Wood to *Mr. William Scott.* Where was this paper found?

A. It

A. It was found among Skirving's papers.

Mr. Gibbs. You found this yourſelf, I ſuppoſe.

A. I did not.

Q. Then you ſhould not have anſwered in that manner.

A. The queſtion was put in ſuch a way that I thought I was bound to give a direct anſwer. I will explain the circumſtance. On the 4th of December, the proceedings of the Convention had attracted the notice of thoſe in Edinburgh who had the charge of the police—

Mr. Gibbs. We do not want all this; we only want to know whether you ſaw this found, or ſaw it in his poſſeſſion?

A. I did not ſee it.

Lord Chief Juſtice Eyre. What do you know about the paper?

A. A warrant was iſſued at my inſtance; the papers found in his poſſeſſion were put into two bags and ſealed up; the bags were brought ſealed from Skirving's lodgings to the office where he was examined.

Lord Chief Juſtice Eyre. Where was you at that time?

A. I was preſent in the office when he was examined.

Lord Chief Juſtice Eyre. Then the firſt time you ſaw any thing of this paper was when it was produced at the office by a perſon who brought it in a ſealed bag: is it ſo?

A. Yes.

Mr. Wood. And opened in the preſence of Skirving?

A. Yes.

Lord Chief Juſtice Eyre. He has proved, that upon a warrant having iſſued to apprehend Skirving there was a ſealed bag brought to the office; Skirving was preſent, and that ſealed bag was opened, and the letter was produced.

Q. (to *Alexander Grant.*) Look at the ſignature to this paper; do you believe that to be the priſoner's hand-writing?

A. Yes, I believe it is.

Q. Do you know any of the other ſignatures?

A. I do not.

[*It was read.*]

" Articles of inſtruction given to Citizen Joſeph Gerrald, dele-
" gate from the London Correſponding Society to the enſuing

 " Convention

" Convention in Edinburgh, for the purpoſe of obtaining a " thorough parliamentary reform.

" 1ſt. He ſhall on no account depart from the original object " and principles of this Society, namely, the obtaining annual " parliaments and univerſal ſuffrage by rational and lawful means.

" 2d. He is directed to ſupport the opinion, that repreſenta- " tives in parliament ought to be paid by their conſtituents.

" 3d. That the election of ſheriffs ought to be reſtored to " the people.

" 4th. That juries ought to be choſen by lot.

" 5th. That active means ought to be uſed to make every " man acquainted with the rights and duties of a juryman.

" 6th. That the liberty of the preſs muſt at all events be ſup- " ported, and that the publication of political truths can never " be criminal.

" 7th. That it is the duty of the people to reſiſt any act of " parliament repugnant to the original principles of the conſti- " tution, as would be every attempt to prohibit aſſociations for " the purpoſe of reform.

" 8th. That this Society, conſidering all party names and " diſtinctions as hoſtile to the general welfare, do abſolutely re- " ſtrict their delegate from aſſuming or accepting any thing of " that nature.

" 9th. That this Society further require, that the delegate " ſhall be punctual and frequent in his correſpondence with this " Society.

RD. HODGSON, Chairman.

" General Meeting, THOS. HARDY, Secretary."

" 24th Octr. 1793."

" Inſtructions to Citizen Gerrald,

" London Correſponding Society, No. 3."

Mr. Wood to Mr. William Scott. Were theſe papers found in the ſame manner?

A. Yes, both theſe were found at the ſame time.

Alexander

Alexander Grant ſaid he believed this to be the priſoner's ſignature.

[*They were read.*]

"At a general meeting of the London Correſponding Society,
"held at Citizen Briellat's, Hackney-road, 24th Oct. 1793.

"This is to certify, that Maurice Margarot was this day "duly elected a delegate to repreſent this Society at the enſuing "Convention to be held at Edinburgh, for the purpoſe of ob-"taining a thorough reform in the parliamentary repreſentation "of Great Britain.

"RICHARD HODGSON, Chairman.
"THOMAS HARDY, Secretary."

"Certificate to Citizen Margarot, London Correſponding Society.
"Mr. Wm. Skirving.
"Certificate of Citizen Margarot."

"At a general meeting of the London Correſponding Society,
"held at Citizen Breillat's, Hackney-road, 24th Oct. 1793.

"This is to certify, that Joſeph Gerrald was this day duly "elected a delegate to repreſent this Society at the enſuing Con-"vention to be held in Edinburgh, for the purpoſe of obtaining "a thorough reform in the parliamentary repreſentation of "Great Britain.

"RICHARD HODGSON, Chairman.
"THOMAS HARDY, Secretary."

"Citizen Gerrald's Commiſſion, London Correſponding Society. Signed Thomas Hardy.
"Mr. Wm. Skirving.
"Certificate of Citizen Gerrald."

Mr. William Scott. Theſe papers were found in the ſame way, and at the ſame time.

Alexander Grant ſaid he believed the ſignatures to be the priſoner's hand-writing.

[*They were read.*]

"FELLOW CITIZENS, *London, Nov.* 8, 1793.

"I duly received your favour of the 4th inſtant, and laid it be-
"fore the Committee of Delegates laſt night, who were anxiouſly
"waiting for intelligence from Edinburgh, and were well ſatisfied
"with the agreeable account of the great number and zeal of the
"friends of freedom in Scotland. That part of your letter which
"mentions your viſiting different towns in Scotland, for the pur-
"poſe of promoting the cauſe, they were pleaſed with the idea,
"but they thought that it could not be put in practice on ac-
"count of the neceſſary ſupplies, which come in but very ſlowly.
"It is to be mentioned in the different diviſions. We have
"elected J. Baxter (by ballot) as Chairman of the Committee
"for the remainder of the quarter. We have alſo appointed a
"Committee of Conſtitution, ſeparate from the Committee of
"Delegates; one member is choſen from each diviſion, to meet
"on this night for the firſt time, and to be totally unconnected
"with the Committee of Delegates. We ſtill increaſe in num-
"ber, and the addreſs to the King to put an end to the war is or-
"dered to be advertiſed to receive ſignatures in the Courier,
"Chronicle, Ayres's Sunday Gazette; afterwards by hand-bills,
"&c. We have opened a correſpondence with a new Society at
"Briſtol. I have to inform you of the wiſh of the Society that
"you would favour them with the number of Delegates in the Con-
"vention, and the number from England alſo, and how the civil
"and military power reliſhes your meeting; and that you would
"ſend ſuch a report from the Convention as might appear in the
"newſpapers in London. Send me an Edinburgh Gazetteer
"when there is any thing in it of importance. I would have ſent
"you a Courier, but they informed me that they ſent ſeveral to
"the coffee-houſes and taverns in Edinburgh; for that reaſon, I
"thought it unneceſſary. I hope to have more time to write to
"you more fully next time. As, Sir Joſeph Murray ſays, the
"poſt is juſt going off, no more at preſent from

"THOMAS HARDY, Secretary."

Addreſſed on the back:

"Mr. Margarot and Mr. Gerald, Delegates from London."

"FELLOW

"FELLOW CITIZENS, "*London, Nov.* 15, 1793.

"I received your official letters of the 7th and 12th, and "Maurice Margarot's private letter of the 11th, all in due courſe. "At the Committee of Delegates laſt night, after hearing the "report of the different delegates—the rapid influx of new mem- "bers—there was ſeveral places mentioned in different ſituations "in town, both in public and private houſes, for new diviſions of "the London Correſponding Society to meet at—ſome have al- "ready taken place, others will next week.—Afterwards, the "correſpondence was taken into conſideration. Your official "letter was read, and much approved of, and copies of it taken "for the uſe of the different diviſions. It ſeems to be the gene- "ral wiſh of the different diviſions of the Society for you to con- "tinue as long as you can be of real uſe to the cauſe; but it "wholly depends upon the thing neceſſary, *money*. We have hit "upon an expedient, which we mean to put in practice in two or "three days, that promiſes fair to bring in a conſiderable revenue. "I ſhall inform you of it in my next. Thoſe whom you gave "directions to call upon has fallen far ſhort of that liberality "which you expected. The Committee laſt night gave me or- "ders to tranſmit to you twelve guineas; I incloſe you a draft "on Sir William Forbes and Co. for that ſum. Next week I "hope to be able to ſend you more. There was another report "of Mr. Froſt being to be pilloried on laſt Tueſday and Wed- "neſday; but it happened that, on Wedneſday, a Charles Leſlie "ſtood in the pillory at Charing-croſs for a crime ſhocking to "mention. Mr. Froſt is not very well at preſent. The Conſti- "tutional Society have adjourned for a month from laſt Tueſday. "The reaſon why Mr. Yorke did not go from that Society was, "that he wrote a letter to them, informing them that he would not "go unleſs they would pay him the whole of the money down. I "have only given you a ſummary account of our proceedings; "but you know how I am ſituated both in the day and in the "evenings, that I cannot command a quarter of an hour to my- "ſelf; therefore I hope you will excuſe me for being ſo laconic. "I have made the ſituation of Mr. Muir as public as I could: it

"throws

" throws a damp upon the ſpirits of every friend to humanity who " hears of his cruel treatment. I remain your fellow-labourer in " the good cauſe.

(Signed) " THOMAS HARDY, Secretary.

" Citizen Walker deſires me to requeſt of Citizen Gerrald " to favour him with a letter.

" P. S. Friend Margarot, I have not yet been able to do your " buſineſs, which you left for me to execute before you left Lon- " don. I have not been able to ſee that Gentleman which you " mentioned in your laſt, nor do I expect that I will theſe three " weeks."

Addreſſed on the back:

" Citizen Margarot and Citizen Gerrald, Delegates."

" FELLOW CITIZENS, " *London, Nov.* 22, 1793.

" I duly received your letters of the 12th and 28th inſtant, " which I laid before the Committee laſt night. After reading " and deliberating upon them maturely, they reſolved that you " ſhould continue at your poſt till you hear from me officially " after the next meeting of the General Committee of Delegates; " by that time we may form ſome idea what ſucceſs we are likely " to meet with from the advertiſement and circular letter. We " entertain high hopes of being liberally aſſiſted by the Friends of " Freedom. A circular letter was ordered to be drawn up, to " be ſent to the different Societies in England with whom we " correſpond, inviting them to ſend Delegates to the Convention " in Scotland, to promote a reform in Parliament. A ſtanding " Committee of five is appointed to anſwer the correſpondence " during your miſſion in Scotland. Your objection to forming " a new conſtitution in your abſence was not by them reckoned " valid: it is very poſſible that it will not be accepted before your " return; for it will be maturely inveſtigated by all the diviſions " of the Society before it is fully agreed to: beſides, it cannot " affect you in your preſent miſſion, for you well know that we " are not very fond of *ex poſt facto law*. You will herewith re- " ceive a draught for £ 12 12 0 on Sir William Forbes and " Co,

" Co. The Engliſhman's Rights I will ſend you a few, with a " few other tracts. We have not near enough for the orders we " have from the country, and our own addreſſes are nearly out of " print. I ſhall direct them to the perſon to whom I addreſs your " letters. There is no news in town of importance from the " Continent.

" I am, for the Society,

(Signed) " THOMAS HARDY, Secretary.

" Mr. Froſt is very ill."

Addreſſed on the back:

" Maurice Margarot, Joſeph Gerald, Delegates."

" CITIZENS, " *London, Nov.* 29, 1793.

" I am deſired by the General Committee to make you ac- " quainted with their determination relative to your ſtay in Scot- " land, which is, that you are both to remain at your poſt until " the Convention adjourns for the preſent ſeaſon; then both to " return to England with all poſſible expedition.

" The £ 12 12 0 which I tranſmitted on the 22d inſtant by " the order of the Committee to you, am afraid has miſcarried, " otherways doubt not you would have acknowledged the receipt; " and not having received any letters ſince the date of the 20th " inſtant, are alſo concerned for fear they ſhould have been inter- " cepted. We are highly pleaſed with the propoſed union with " our northern brethren, and beg you will uſe every exertion in " your power to eſtabliſh that deſirable union upon a firm and " permanent baſis. It gives us great pleaſure and encourage- " ment to hear that the ſpirit of liberty is ſo flouriſhing in the " North, and are happy to inform you that the ſame noble ſpirit " is making a rapid progreſs in the South. We are ſorry to hear " of the indiſpoſition of Citizen Gerrald, and hope it is not of " that violent nature as to preclude him from attending the du- " ties of his miſſion.

" Yours in behalf of the Society,

(Signed) " THOMAS HARDY, Secretary.

" P. S.

" P. S. We have not had any account of the arrival of Mr. " Muir, although we have been making every inquiry in our " power."

Addreſſed on the back:

" Maurice Margarot, and Joſeph Gerrald, Delegates."

Mr. John Gurnel. I found this letter in Mr. Hardy's deſk.

[*It was read.*]

" CITIZEN HARDY, *Edinburgh, Tueſday, Dec.* 2, 1793.

" We received laſt night a letter ſigned by you, but written " by another perſon, acquainting us with the determination of the " Committee, 'that, at the adjournment of the Convention, " we ſhould return immediately to London.' This determina- " tion we will undoubtedly conform unto, unleſs it be (as we " hope and truſt it will) contradicted in your next; for, if the " Committee abides by it, we who, by being on the ſpot and " thoroughly acquainted with the ſtate of the country, can judge " with certainty thereon—do aſſure you that our immediate re- " turn to London will be attended with very bad conſequences; " for at preſent all the country Societies look up to us to come " among them, to enliven, to encourage them, to convince them " by our preſence that we exiſt, that we have been ſent from " England for the purpoſes of union and reform, and that the " time is near at hand when ſuch reform muſt take place. No- " thing, dear friends, muſt force us from Scotland at preſent but " the abſolute impoſſibility of bearing the expences attending our " miſſion, and thoſe expences may be ſomewhat leſſened by re- " calling one of us and leaving the other; our Norwich friends " may likewiſe bear a part of them; ſo that, unleſs the funds of " the Society are very low indeed, no excuſe for recal can be " valid, unleſs founded on fear, and that, we muſt remind you, is " our concern and not yours. While, therefore, the idea of uniting " our Society with the whole kingdom of Scotland affords you a " pleaſing proſpect, let us do every thing in our power to cement " that union; and this can only be done by a longer reſidence in " the country, and by viſiting the ſeveral Societies which have " ſent delegates to Edinburgh, and would think themſelves ill uſed

" if we did not take their town in our way. Conſider of it then, " we beſeech you, and let us have your anſwer immediately.

" The Convention proceed with great ſpirit; we ſit daily: " and laſt week we came to a reſolution, which we fancy will " give pleaſure to every friend to reform: as the minutes are to " be printed, we will, at preſent, only give you the heads of it, " viz.

" That ſhould any attempt be made by government for the " ſuſpenſion of the habeas corpus bill, the introduction of a con- " vention bill, or the landing of foreign troops in Great Britain " or Ireland, the delegates are immediately to aſſemble in Con- " vention at a certain place, the appointment of which is left with " a ſecret Committee. That, when ſeven delegates ſhall be thus " aſſembled, they ſhall declare themſelves permanent; and, when " their number amounts to twenty-one, they ſhall proceed to " buſineſs: thus you ſee we are providing againſt what may " happen.

" Citizen Gerrald's health is ſo far recovered as to not pre- " vent him from fully attending his duty. We cannot ſay as " much of Citizen Sinclair, from the Society for Conſtitutional " Information; he has been confined to his bed ever ſince Sa- " turday by a violent fever and ſore throat: he is, however, " ſomewhat better this morning. He is a valuable young man; " and ſhould he die, his loſs would be ſeverely felt; not indeed " by his conſtituents, who have baſely abandoned him, but by all " the friends of freedom. He is a member of our Society, and " we recommend him to your notice.

" You will before this have received our laſt, of the 26th No- " vember, acknowledging the receipt of your letter of the 23d, " together with a remittance of £ 12 12 0. Our time is ſo " conſtantly employed that we find it abſolutely impoſſible as yet " to write to you more than once a week, and even that on no " fixed day; eighteen hours out of the four-and-twenty are de- " voted to public buſineſs, and you may reſt aſſured they are not " miſ-ſpent. We are happy to hear that you go on as well in the " South as we do in the North. Letters convey but very im- " perfectly, and with no great degree of ſafety, what we might

" wiſh

" wiſh to inform each other of. You have done us a material " injury by neglecting to ſend us a parcel of our publications, " and a number of copies of the Juryman's Rights; pray do not " delay them any longer, and among them ſome of the Letters to " Dundas. We ſent you an Edinburgh Gazetteer laſt week: " we will ſend you another to-morrow; you will therein ſee part " of what has paſſed in the Convention.

" We remain,

" Moſt ſincerely,

" Your fellow-labourers in the cauſe of reform,

" JOSEPH GERRALD, Delegate.

" Mrs. MARGAROT, Delegate.

" M. M. would be glad to receive a line from T. H. about " private buſineſs of his own."

Addreſſed—" Mr. Thomas Hardy."

Q. to Mr. William Scott. Were theſe papers found in the ſame manner as the other papers?

A. They were.

Mr. Bower. Theſe are the proceedings of the Convention.

Mr. Erſkine. I confeſs I am not very anxious to ſhut out any evidence. I very probably do not underſtand it; but I do not ſee how it bears upon the caſe. As the caſe ſtands at preſent, the evidence is this. This Society was formed, the object of its formation has been read in evidence, ſubject to ſuch conſtruction as the Gentlemen of the Jury upon their oaths ſhall be diſpoſed to put upon it, in connection with all the reſt of the evidence. They appoint two delegates to attend this Edinburgh Convention, and your Lordſhips will have the goodneſs alſo to recollect, that the holding of that Convention is not an act which is charged at all upon this record; but the conſpiracy, as it is called, was to aſſemble another Convention at a very diſtant period after this firſt Convention had been diſperſed.

We had it in evidence recently, we have all heard within theſe five minutes that thoſe two Gentlemen who were appointed as delegates to repreſent the Correſponding Society, of which the Gentleman at the bar was Secretary, had inſtructions given them, which

which inſtructions directed theſe delegates to purſue cloſely thoſe rules and inſtitutions of the Society which have been read in evidence. Therefore, my Lord, if they have—I do not know that they have, nor do I care whether they have or no—if it ſhould turn out in the proceedings that are now propoſed to be read, that this Convention at Edinburgh did, in the moments of heat and irritation, which I take for granted always muſt belong to perſons in the ſituation in which they were placed—if they had written or ſaid, or done any thing; nay, I will go further, if Mr. Margarot has done any thing, or ſaid any thing, not within the ſcope of the inſtructions given to him, which inſtructions have been read in evidence, and which inſtructions refer alſo to the inſtitution of the Society, which has been alſo read in evidence, I humbly contend that cannot affect the priſoner in any way: and give me leave for a moment to call this to the ſerious conſideration of the Court.

The defendant is charged with no act of the Edinburgh Convention; no, he is charged with that which, if I could believe him one moment in my mind to be guilty of, although I muſt ſtand here to do my duty towards him, yet I ſhould do it in another faſhion than I mean to perform it—he is charged with compaſſing and imagining the death of our Sovereign Lord the King, whoſe life is dear, my Lord, to all the kingdom; in order to prove that he had from the beginning that wicked intention, for that wicked intention is the foundation of the whole proceeding, and no act can be given in evidence before your Lordſhips, nor will I ſit here ſilent to hear any act given in evidence that does not go to ſhew the priſoner at the bar had that wicked compaſſing. I admit that, if they can ſhew that any inſtructions were given to theſe two men, which inſtructions carry upon the face of them (and whether they carry it upon the face of them or no is ſubject to the conſideration that they are to receive from the Jury) evidence of that wicked intention, or that that intention can be proved by any thing that is like inference or conſtruction (for this is not an extenſion of the ſtatute at all) this is matter of evidence.

My friend Mr. Gibbs and myſelf have ſat ſilent; your Lordſhips, I am ſure, muſt agree that we have given no ſort of trouble

to the Court, nor do I mean in the progreſs of the cauſe to give trouble to the Court; when, therefore, they read any thing that comes from Mr. Hardy, or any thing that does not come from him, though he is the mere inſtrument, as the Secretary of a body of men, yet if he mixes in it, we have never objected to it as evidence; but when they propoſe to read, I do not know what it is—probably I am waſting my own breath and your Lordſhip's time in oppoſing that which will be of no conſequence, perhaps, when it comes to be read; but when I ſtand here defending this man, who holds his life under the law, and I am not defending his life only, but my own life, and the life of every man in the country, I muſt take care that the rules of evidence are obſerved—I wiſh to know the nature and the quality of the paper. If it be ſomething Mr. Hardy is cognizant of, if they can ſhew that the proceedings of the Convention were known to and approved of by Mr. Hardy, my objection falls to the ground, and I have nothing to ſay about them.

Lord Chief Juſtice Eyre. I take it for granted they mean to do that, becauſe, otherwiſe, the proceedings of the Convention at Edinburgh can be nothing in this cauſe.

Mr. Bower. There are ſubſequent approbations of them without end; we ſhall read evidence enough of that by and by.

Lord Chief Juſtice Eyre. There is enough, in my opinion, to let in the evidence; the application of it is quite another conſideration: this is the act of a body, to which this priſoner ſent perſons to act in his name; he may afterwards to be ſure object that they exceeded their commiſſion, and therefore they are perſonally reſponſible; but I think that will be obſervation upon the evidence, it is no objection to the evidence.

Mr. Erſkine. I am perfectly ſatisfied; I only wanted to know what we were about.

Mr. Solicitor General. Mr. Skirving muſt be conſidered as agent to the Society, and it is extremely important, as it ſeems to me——

Lord Chief Juſtice Eyre. It is agreed to be read, ſubject to the obſervations that may ariſe upon it.

[*The paper read.*]

GENERAL

GENERAL CONVENTION.

"EDINBURGH, 29th OCTOBER, 1793.

"Mr. John M'Intyre being called to the chair, the following commiſſions were given in, read, and found valid, viz.

"From

"THE POTTERROW SOCIETY.

"In favour of

"Meſſrs. Adam Pringle, John Clark, James Bell, Thomas Noble, James Paterſon, Randolph Slack, Thomas Bell, George Turner, James Dun, George Cotton, James Purves, Preſes, James Tod, Secretary, Thomas Watſon, James Bell, John Gilchriſt."

"NEWTOWN.

"John Milne, P. John Laidlaw, S."

"COWGATE.

"Alexander Reid, Charles Salter, Iſaac Salter, George Callum, William M'Cubbin, John M'Intyre."

"CANONGATE, No. 3.

"John Laing, David Taylor, William Robertſon."

"DUNDEE, Friends of the Conſtitution.

"Rev. Mr. James Donaldſon."

"DUNDEE, Friends of Liberty.

"George Mealmaker."

"DUNDEE, Friends of the Conſtitution.

"Rev. Mr. Neil Douglas."

"NEWMILNS.

"James Campbell of Newmilns."

"NEWTOWN.

"David Bertie, John Auchinlech, John Muir, John Noble, John M'Arthur, Alexander Knox, Archibald Gray, John Graham, James Bourdon, William Urquhart, John Hodge, Alexander Bremner, Andrew Newton."

"GLASGOW, Friends of the People.

"Robert Peacock, John Stark, John Gartley, James Gartley, John Hanchilwood, Walter Hart, William Miller, James Little."

" GORBALLS.
" George Miller."
" DUNFERMLINE.
" James Boyd, John Morris, John Philip."
" STRATHAVEN.
" John Mitchell."
" PAISLEY.
" John Taylor, Thomas Bowie, Archibald Haſlie."
" PORTSBURGH.
" Peter Hardie, James Richmond, ——— Taylor, James Tweedie, Joſeph Smeall, John Dickſon, John Richmond, Adam Richmond, William Skirving, Eſq. Peter Wood, John Thomſon, George Anderſon, James Smeall, Frederick Milne, William Moffat."
" UNITED SOCIETIES of Kirkcaldy and Linkton.
" William Tod, James Hatley, Henry Rait."
" LINLITHGOW.
" Adam Dawſon, William Marſhall, William Henſhelwood."
" CANONGATE, No. 1. and 2.
" Alexander Bell, John Buchanan, Alexander Fortune, James Somervaill, Alexander Aitchiſon, Archibald Wright, Alexander Callender, Richard Younger, John Wardlaw, William Simpſon, John Johnſton, Thomas Kennedy."
" WATER OF LEITH.
" Arthur M'Ewan, Robert Orrock, William Farquharſon, William Goſport."
" PERTH.
" Robert Sands."
" LINTON, Eaſt Lothian.
" John Hepburn, P. George Milne, Andrew Taylor, Sec.
" OPERATIVE SOCIETY, Edinburgh.
" John Thynne, Gordon Murray, Thomas Miller, John Baillie, Alexander Cockburn, William Johnſton."
" HAMILTON.
" John M'Laren."
" BRIDGE-STREET.
" Archibald Binney, Mitchell Young, Alexander Scott, Andrew

Andrew Simpſon, David Downie, John Inglis, Alexander M'Kenzie, James Carmichael, John Kirk, James Ferguſon, James Wilkie, David Lyon, George Cleland, William Fleming, James Foyar, William Eelbeck, William Roſs, Ebenezer Stalker."

" LAWRISTON.

" David Weir, John Dunn, John Braidwood, David Gowans."

" LAWNMARKET, Edinburgh.

" Thomas Cockburn, James Lawſon, Charles Ritchie, John Grindlay, John Wilſon, John Wyld, William Romanus, Samuel Paterſon, J. Thomſon, John Gourlay, Mr. Burn."

" DALKEITH.

" Peter Leyden, James Mutter, Thomas Taylor, William Watſon."

" CALTON.

" Robert Chriſtie, William Philip, James Smith, William Brodie, Peter Hunter, William Boyd."

" KILMARNOCK.

" John Ronaldſon, Thomas Boyd of Caprickhill, William Muir, James Cunningham."

" AUCHTERDERRAN.

" John Tod, John Chalmers."

" KIRKINTILLOCH.

" William Hay, David Brown."

" PENNYCUICK.

" James Smith, Robert Smith, John Jackſon."

" LENNOXTOWN.

" John Brown."

" PATH-HEAD.

" John Halley, Robert Rait."

Additional Delegations.

" SHOTTS.

" William Martin of Moorhall."

" WIGTON.

" Lord Daer."

" CROWN AND ANCHOR, London.
" Charles Sinclair, Henry Yorke."
" LONDON CORRESPONDING SOCIETY.
" Joſeph Gerrald, Maurice Margarot."
" SHEFFIELD CONSTITUTIONAL SOCIETY.
" Mathew Campbell Brown."
" GLASGOW, United Scotſmen.
" Robert Peacock, John Stark."
" MILTOWN OF CAMPSIE.
" Dugald Murray."
" MID CALDER.
" Thomas Tweedale."
" WHITBURN.
" George Waddel."
" TRADESTOWN.
" John Gartley."
" CANONGATE, No. 1. and 2.
" William Campbell, George Malcolm.
" NEWTON.
" (Apology, ſigned I. M.)"
" MONTROSE.
" Colin Nowie."
" CANONGATE, No. 3,
" James M'Kay, Peter Moffat, Alexander Plenderleith."
" BROUGHTON.
" William Bonthron, Joſiah More, John Fairley."

" Mr. Purvis paid to the general fund, from the Potterrow Society, 1l. 1s."

" The Preſident having conſtituted the meeting by prayer, was continued in the chair unanimouſly."

" A letter was read from Meſſrs. James Biſhop and Alexander Dove, Preſident and Secretary of the Society at Johnſtone, containing their ſentiments on public reform, with an apology for not ſending delegates; and concluding with a very juſt compliment to Thomas Muir, Eſq."

" A ſimilar

" A ſimilar letter of apology was read from Woodſtow, and another from Mr. Thomas Watt at Dunbar."

" The Secretary alſo read a letter from Mr. John Chalmers, Secretary to a Provincial Convention, held the 15th current at the New Inn in Fife, containing the reſolutions of that meeting reſpecting a Committee of Correſpondence, an Addreſs to his Majeſty to diſmiſs the preſent Miniſtry, and put an end to the war, &c."

" Mr. Callender moved, that the Houſe ſhould be purged of ſtrangers."

" Mr. Binny moved, that a particular part of the Houſe be allotted for viſitors, who ſhould be admitted upon paying one ſhilling each. At laſt it was reſolved that all preſent ſhould go as near the door as poſſible, and each delegate anſwer to his name in the order of the roll. After which it was reſolved, that, as the Houſe was rather too ſmall for the delegates, none elſe ſhould be admitted."

" Meſſrs. Alexander Lamond, David Leckie from Muſſelburgh, Mr. ——— Williams from Mancheſter, Mr. Hunter, and Mr. Yetts, were allowed to continue as viſitors; and it was reſolved that no viſitors in future ſhould be admitted without giving in their names to the chair."

" A letter was preſented and read from Mr. Stephen Gibſon of the Linlithgow Society, reſpecting the objects of the aſſociation."

" A motion was preſented and read from Mr. William Philip, that " this Convention adopt ſome meaſures for inſtructing the people at large in the nature, principles, and glorious properties of the Britiſh conſtitution.—Ordered to lie on the table."

" Letter and commiſſion read from Lennoxtown, Campſie, ſigned by Mr. D. M'Nal, Secretary."

" Mr. Callender moved, " That this Convention reſolve to claim for themſelves and their conſtituents the right of univerſal ſuffrage and annual Parliaments."

" A letter from a Gentleman, who does not wiſh his name to be mentioned, was afterwards read, which the Secretary had received, accompanying a work in MS. entitled " Review of

the Conſtitution and Government of Great Britain;" and dedicated to this General Convention."

"Mr. Downie moved to change the general title of the aſſociations.—Ordered to lie on the table."

"An anonymous letter was afterwards read, which the Secretary had received, covering a guinea note of the Thiſtle Bank."

"A motion was made by Mr. Archibald Wright, that the Convention ſhall each night adjourn before 10 o'clock.—Agreed to if poſſible."

"A letter was read from the Four United Societies of Ireland."

"Mr. Bell moved an addreſs and declaration of principles.—Ordered to lie over."

"Mr. Laing made a ſimilar motion, which was alſo ordered to lie on the table."

"Adjourned at ¼ paſt 4, till 6 o'clock in the evening."

EODEM DIE—EVENING SITTING.

"The Rev. Mr. J. Donaldſon in the Chair.

"The minutes being read, a motion was preſented and read from Mr. James Mitchell, of Paiſley, That a petition be preſented to his Majeſty to put an end to this ruinous and deſtructive war."

"Mr. Skirving moved, that a Committee be appointed to conſider the apologies made for abſence, and to report; and the following Committee were appointed—Meſſrs. Buchanan, Henſhelman, with the Preſident and Secretary, and Mr. Clark.

"The following gentlemen were admitted viſitors—Mr. Samuel Brown, from Virginia; Mr. Reid, Mr. Heron (recommended by T. Muir, Eſq.) David Richie, Mr. Walter Davidſon, John Bennet, Gavin Malcolm, and George Malcolm.

"Mr. Skirving preſented and read a copy of a letter, wrote in name of the General Committee, and ſigned by Mr. Callender himſelf, to the Lord Provoſt, with his Lordſhip's anſwer. After which he moved, that a Committee be appointed to conſider of the anſwer.

"Meſſrs. Buchanan and the Rev. Mr. Douglas thought it merited

merited no reply, not being ſigned. After ſome converſation, the affair was remitted to the ſame Committee to conſider the Lord Provoſt's anſwer, and report to the Convention.

" Mr. Skirving read the thanks of the General Meeting of the Friends of the People, at Free Maſon's Tavern, dated London, 18th of May, 1793, as returned by them to the Convention of Delegates at Edinburgh, for their zeal and activity in the cauſe of Parliamentary Reform.

" He alſo read a ſimilar letter from Mr. Thomas Hardy, dated London, 5th October, 1793; and another, dated London, October 25, 1793, reſpecting the appointment of Meſſrs. Margarot and Gerald.

" Mr. Skirving next read a letter from Mr. D. Stuart, Secretary to the Aſſociation at London, dated Frith-ſtreet, No. 7, October 16, 1793. Mr. Binny read a letter from the Conſtitutional Society at Sheffield, dated 27th of May, 1793, and ſigned William Camage, Secretary, upon the objects of reform in general, containing ſome humourous remarks on the arguments advanced by the enemies of reform, which were received with great approbation. Mr. Skirving next read the printed paper contained in the ſaid letter, addreſſed to the unemployed artizans, &c. of Mancheſter, and containing a number of excellent remarks upon the calamities of war, ſigned " Sidney."

" Mr. Clark moved, that a deputation be ſent this night to wait on Mr. Muir.—Meſſrs. Douglas, Wright, and Clark were appointed accordingly; and Mr. Douglas moved, that a congratulatory letter be ſent to Mr. Muir in name of the Convention, which was agreed to; and Meſſrs. Douglas and the Preſident were appointed a Committee accordingly.

" Mr. Wright moved, that two Members be appointed to dine with Mr. Muir every day while the Convention ſits, at the expence of the Convention, which was unanimouſly agreed to.

" The Depute Secretary read a letter from Henry Shipley, Eſq. Secretary to the Nottingham Delegates, with a copy of the printed reſolutions of their ſeventh delegated meeting, ſigned by ———, Preſident, and H. Shipley, Secretary; and Mr. Skirving read a copy of his anſwer.

" The Rev. Mr. Douglas moved, that the Nottingham reſolutions ſhould be reprinted, with ſuch remarks as might be judged proper, at the expence of the Convention, and circulated. Mr. Newton moved ſome amendment; Mr. John M'Intyre alſo objected to the republication; Meſſrs. Philips, Aitchiſon, Wright, Boyd, and ſeveral other ſpeakers ſupported the motion; whereupon the motion was agreed to, and the following Committee was appointed:

" Meſſrs. Skirving, Buchanan, Callender, Binney, Clark, from Edinburgh; Miller, from Garbals; Douglas and Donaldſon, from Dundee; Sands, from Perth; Hart, from Glaſgow; Chalmers, from Fife; Boyd, from Dunfermline; Boyd, from Kilmarnock; Mitchell, from Paiſley; and Hepburn, from E. Linton.

" Mr. Skirving moved, that a collection be immediately made for defraying charges, and repeated at every meeting of the Convention, which was unanimouſly agreed to, and Meſſrs. Buchanan and Binny being appointed collectors, there was collected 2l. 6s. 6d½. which was delivered to Mr. Skirving, in abſence of the Treaſurer.

" Mr. Skirving next read a letter from the Delegate Meeting of the Conſtitutional Society at Leeds, dated 24th of May, 1793, and ſigned by Mr. Charles Handley; together with a printed copy of their addreſs, declaration, and reſolutions, ſigned by Meſſrs. Joſeph Firth and Joſeph Nutter, Preſident and Secretary.

" Mr. Roſs moved, that the Lord Provoſt and Magiſtrates ſhould be invited to attend our deliberations to-morrow.

" Mr. John Chalmers moved, to preſent a petition to his Majeſty, to fall upon ſome expedient for obtaining a general convention of the whole nation, to conſider the grievances of the people.

" Mr. Alexander Bremner moved, that this Convention draw up a few leading features of our grievances, ſuch as Corporation Laws, Teſt Acts, Patronage, &c. which are all inimical to the natural rights and liberties of man, &c.

" Mr. John Sinclair moved, that a ſubſcription be ſet on foot for

for the benefit of Mr. Muir.—All theſe motions were ordered to lie on the table.

" The Secretary read a letter from Colonel M'Leod, dated the 11th of May, with a copy of his anſwer—whereupon

" Mr. Callender moved, that a deputation be appointed to wait upon Col. M'Leod, to ſee if he ſtood to his principles. Mr. Callender, the Rev. Mr. Douglas, Mr. Newton, and Mr. Clark, were accordingly appointed to wait on the Colonel.

" Mr. Alexander Scott moved, that every other gentleman in the ſame predicament ought to be waited upon, and their reaſons for abſenting themſelves inquired into—and particularly Lord Daer. Mr. Skirving vindicated Lord Daer; but Mr. George Roſs ſeconded Mr. Scott's motion, and inſiſted that it ſhould alſo be extended to Mr. Hugh Bell.

" Upon further arguing, it was agreed to poſtpone theſe motions till to-morrow.

" All the Committees were appointed to meet to-morrow at ten o'clock, and the General Meeting was appointed to meet to-morrow at eleven—Mr. Callender's motion to be firſt diſcuſſed.

" Mr. Skirving read a paper, preſented by Mr. Thomas Noble, ſetting forth in his own name, and that of the Potter-row Society, the neceſſity of applying for univerſal ſuffrage and annual elections to the King and not to the Parliament.

" Mr. Clark gave in a verbal report from the Committee appointed to wait on Mr. Muir—that they were very cordially received, and that it was his wiſh, that if the Convention wiſhed it, ſix could dine with him; but that it would be neceſſary to apply to the Magiſtrates, which, after ſome reaſoning, was agreed to be done to-morrow.

" The Rev. Mr. Donaldſon, the Chairman, afterwards cloſed the Meeting by a prayer, very well ſuited to the occaſion, as well as to the times and circumſtances; after which the Convention was adjourned till to-morrow at eleven.

" The Convention appointed the Committee of Inſtruction to arrange the various motions, and report to-morrow morning."

SECOND DAY'S SITTING.

" EDINBURGH, 30th OCTOBER, 1793.

" The Rev. Mr. Neil Douglas in the Chair.

" The roll being called, and a bleſſing implored in name of the Aſſembly, by the Preſident, Mr. Scott reported, that the Inner Jailor ſaid, he had an expreſs order from the Lord Provoſt and Magiſtrates not to admit. Reſolved, that Mr. Chalmers and Mr. Mealmaker dine with Mr. Muir this day.

" 1ſt. Mr. Roſs's motion was negatived.

" Minutes read.

" Mr. Gourlay moved, that in addition to the collection made each evening, a ſubſcription paper ſhall be preſented to the company, for the purpoſe of raiſing a ſum to defray the expences of publications approved of by the Society.—Agreed to.

" A motion was made by Mr. Miller, one of the Delegates of Glaſgow, to draw up an Addreſs to the people—which motion was ordered to be claſſed with Meſſrs. Bell and Bremner's.

" Mr. Sands from Perth, moved, that we ſhould agree upon the future proceedings of the Friends of Reform, and explicitly declare our principles.

" Mr. W. Hart moved, that it ſhould be recommended to the Editors of political pamphlets to print part of them on coarſe paper, for cheapneſs.

" Mr. M'Arthur moved, that a public prayer ſhould be made by the Societies, for the Lord's aſſiſtance in the cauſe of Reform.

" Mr. Gartley, from Glaſgow, moved, that the Convention ſhould take into its conſideration the reſolutions entered into by the Convention laſt year, for ſupporting members oppreſſed by the arm of power.

" Mr. Archibald Wright moved, that by the revolution ſettlement, Delegates have liberty to meet and conſult upon their grievances.

" Mr. Newton moved, that the Convention, when ſpeaking of the conſtitution, ſhould drop the word glorious, and ſay the purity of the conſtitution.

" Moved,

" Moved, by the Rev. Mr. Neil Douglas, to publiſh a diſapprobation of the ſlave trade.

" All theſe motions were ordered to lie on the table.

" Diſcuſſion of Mr. Callender's motion for univerſal ſuffrage and annual parliaments was called for.

" Mr. Callender having ſpoke upon it for ſome time, and read ſeveral printed papers to ſhew the neceſſity of its paſſing, he was reminded, that it was proper to poſtpone what he had further to ſay, in order to wait on Col. M'Leod, and therefore the further diſcuſſion was delayed till the Evening Sitting.

" Rev. Mr. Donaldſon in the Chair.

" Meſſrs. Philips, Chalmers, and Gibſon's motions remitted to the authors, to be condenſed againſt next ſitting, in conjunction with Mr. Henchalwood.

" Mr. Downie's motion being read, Meſſrs. George Roſs, Downie, Sands, and ſeveral others, ſpoke for the motion—Meſſrs. Wright, Aitchiſon, Paterſon, and ſeveral others, ſpoke againſt it. Mr. Skirving moved for a delay of any change of the title till the primary Societies ſhould be conſulted.—Reſolved, that the Convention ſhall make no alteration in the title of the General Aſſociation, but leave it to the particular Societies to aſſume what name they pleaſe.

" Meſſrs. Bell and Bremner's motions being read, with the condenſed ſtate of both, and a ſimilar motion by Mr. G. Miller, from Glaſgow; after ſome argument, and a motion of its being remitted to a Committee, Mr. Donaldſon propoſed to keep cloſe to the main point, and not to interfere with other grievances. Meſſrs. Douglas, Skirving, Cockburn, Philips, and ſeveral others ſpoke in favour of the meaſure—Meſſrs. Downie and Aitchiſon objected to the word Corporation Laws; after which it was reſolved to remit the drawing up of a proper addreſs, and declaration of principles, &c. to a Committee to be appointed to-morrow.

" Meſſrs. Callender, Douglas, and Newton, having returned from Col. M'Leod, reported, *viva voce*, the polite reception they had received from him, and the aſſurances he had given them

them of his ſteady adherence to the cauſe, while the people proceeded in a conſtitutional way."

" The Rev. Mr. Douglas in the Chair.

" It was propoſed that Mr. Callender's motion ſhould now be reſumed; but, after ſome converſation, being now near four, it was agreed to adjourn till ſix."

" A preſent of a conſiderable number of copies of a pamphlet, entitled, " Proceedings of the Friends of the Liberty of the Preſs," was preſented by Mr. Alexander Scott, and diſtributed gratis,"

EODEM DIE—EVENING SITTING.

" The Rev. Mr. Douglas in the Chair.

" The conſideration of Mr. Callender's motion being reſumed, Mr. Skirving read an extract from a pamphlet, entitled, " An Eſſay on Parliamentary Repreſentation and Magiſtracies of Boroughs Royal;" after which Mr. Callender delivered a very animated ſpeech upon the motion, ſhewing a variety of reaſons for adopting it. A delegate from Dalkeith having ſtarted a queſtion, whether we have a right, by the conſtitution of 1688, to claim univerſal ſuffrage and annual parliaments, or whether we ought to go further back for authority. Meſſrs. Gourley, Philips, Buchanan, Clark, Wright, Sands, Newton, Aitchiſon, and ſeveral delegates from the country, delivered their ſentiments on the queſtion." " The chairman having left the chair,

" A. Callender, Eſq. was called to it.

" Mr. Douglas then delivered a moſt judicious and ſenſible ſpeech upon the abſurdity of repreſenting property inſtead of men, and thus degrading the dignity of our nature. Meſſrs. Philips, John Smith, A. Bell, Donaldſon, and ſeveral other delegates from Perth, Dalkeith, &c. ſpoke on the ſame ſide. One gentleman obſerved, that the eſtabliſhing of univerſal ſuffrage would be only doing juſtice to the *rabble* of Scotland, the *ſwine* of England, and the *wretches* of Ireland."

" Mr.

" Mr. Douglas in the Chair.

" In the further diſcuſſion of this ſubject a queſtion was ſtarted, whether ſoldiers or ſailors ſhould be allowed to vote, when Mr. Callender gave it as his decided opinion, that both claſſes ſhould have a voice in the election of their repreſentatives; and particularly the latter, who ſuffer ſo much from impreſs warrants, which would have no exiſtence were univerſal ſuffrage eſtabliſhed."

" Mr. Skirving moved, that a collection be made for the expence of publiſhing tracts upon the ſubject of reform, when 3l. 6s. o½d. was collected, which, with 5s. received this afternoon, makes 3l. 11s. o½d."

" The ſubject of Mr. Callender's motion being reſumed, the Rev. Mr. Donaldſon argued at conſiderable length in favour of it; and with many hiſtorical and ſcriptural arguments, as well as ſeveral humourous remarks, ſupported the motion. Meſſrs. Mealmaker and Douglas ſpoke on the ſame ſide, and ſaid, it would be agreeable to a great majority of their conſtituents."

" Mr. Donaldſon propoſed to paſs the reſolution of this meeting, on Mr. Callender's motion in the words of the Duke of Richmond, of which he preſented a copy, which was read by Mr. Skirving."

" Mr. Alexander Scott propoſed to read a few extracts from the plan of parliamentary reform framed and adopted by the Weſtminſter Aſſociation, and introduced into parliament by his Grace; which being agreed to, he read them accordingly."

" Mr. Skirving then moved, that the vote ſhould be put, which was agreed to; previous to which, however, one of the delegates from Dalkeith, ſaid his colleagues who were abſent, as well as the whole of his conſtituents, were unanimouſly for univerſal ſuffrage and annual elections."

" After ſome argument reſpecting the ſtate of the vote, it was ſtated, approve or not, Mr. Callender having previouſly agreed to Mr. Donaldſon's amendment, when, upon calling the roll and the votes being marked, it was carried nem. con. approve.—Whereupon all preſent congratulated each other by a hearty ſhake of the hands."

" Mr. Skirving then read a letter from Mr. Muir, covering a copy of a letter to the Lord Provoſt, ſetting forth the inſolent abuſe and outrage committed by the inner jailor, William Binny, upon two gentlemen who had gone up to viſit him, and demanding redreſs from the magiſtrates. Upon this Mr. Archibald Binny moved, that a ſubſcription be immediately ſet on foot to proſecute the ſaid William Binny. This was ſeconded by ſeveral members; but, after ſome argument, it was thought proper to delay all proceedings in this affair till to-morrow."

" Mr. Douglas then cloſed the buſineſs with a prayer ſuited to the occaſion, and adjourned the meeting till to-morrow at ten."

" EDINBURGH, 31 OCTOBER 93.

" Alexander Callender, Eſquire, in the Chair.

" The Rev. Mr. Douglas having invoked the bleſſing of the Almighty upon our proceedings, the minutes were read and corrected. Meſſrs. Vickers, Tod, Blair, and M'Leay and Adam Wilſon from Paiſley, were admitted as viſitors. Mr. Buchanan moved a vote of thanks to Mr. Skirving for his very great and important exertions in the cauſe of reform, which was unanimouſly agreed to."

" The buſineſs of the addreſs to the public being moved by Mr. Mealmaker, and a wiſh expreſſed by him and ſeveral other country delegates, that a ſcroll of it ſhould be drawn up before they go out of town, it was reſolved, after arguing at ſome length upon a motion by Mr. Paterſon, ſeconded and amended by Meſſrs. Wright and Aitchiſon, that a month from this date ſhould be allowed to the ſocieties in the country to communicate their ideas upon this ſubject to the ſecretary, to be laid before the Edinburgh monthly Committee at their meeting, on the firſt Thurſday in December—to whom the final reviſal of the addreſs to be drawn up by the Committee is entruſted."

" Mr. Skirving read from Dr. Samuel Johnſon's Hiſtory of Magna Charta, a chapter concerning the firſt founder of the yearly folkmote.

" Mr. Skirving made the following motions, viz. 1ſt, That the Convention ſhall follow up the unanimous reſolution for univerſal

univerſal ſuffrage and annual parliaments, by recommending to their ſocieties to declare publicly and ſeverally their approbation, with their reaſons. And, 2dly, That each ſociety be called upon to draw up a new declaration, containing the two original reſolutions of the aſſociation as now explained, and according to the explanation given by the Duke of Richmond, and to require each member already admitted, or to be admitted, to ſubſcribe the ſame. Theſe motions, after a ſhort converſation, were unanimouſly agreed to."

"The different motions to addreſs the King being read, Mr. Mealmaker's was withdrawn; and Mr. Skirving moved, that all theſe motions be compreſſed into the ſimple queſtion—whether we ſhall addreſs the King or the Houſe of Commons. Upon this queſtion various opinions were delivered; ſome contending, that to petition the King was illegal, as deſiring one branch of the legiſlature to encroach on the privilege of the other. Others, that it was ſtrictly legal to petition the King to recommend it, or at leaſt to lay it before the parliament, to take ſuch a meaſure under conſideration."

"Meſſrs. Wardlaw, Scott, Donaldſon, Aitchiſon, Douglas, Wright, Geo. Roſs, Buchanan, Callender, Johnſton, and Gourley, ſpoke againſt addreſſing the King; and Meſſrs. Skirving, Chalmers, John Laing, and one or two country delegates plead for the meaſure."

"The debate being reſumed, Mr. Wright moved, that the different ſocieties ſhould be left to adopt what meaſures they pleaſed, and to petition either King or parliament. Mr. George Roſs propoſed to petition the Houſe of Commons, and at the ſame time to addreſs the King to diſſolve the parliament. Mr. Buchanan objected to any addreſs of this kind to the King, as tending to increaſe the royal influence. Mr. Paterſon, Mr. Scott, and Mr. Sands, propoſed that this Convention ſhould recommend to the ſocieties at large to petition the Houſe of Commons, as their only repreſentatives either really or virtually. Mr. Chalmers inſiſted to petition the King, and ſaid, that his conſtituents were determined that they would not again petition the Houſe of Commons. Mr. Skirving ſaid, that upon our preſent plan we would perhaps not get a ſingle member to preſent it."

" The Rev. Mr. Donaldſon delivered a conciliatory ſpeech replete with humour; but recommending it to leave the ſocieties to do as they may judge proper."

" Mr. William Urquhart objected to petitioning the King, as a deviation from our original principles and declarations; and propoſed putting the queſtion to a vote."

" Mr. Scott took notice, that the Fife delegates were not unanimous for addreſſing the King."

" A delegate from Fife expreſſed his diſapprobation of petitioning the King, and ſaid, his conſtituents would as ſoon petition the pope."

" A Glaſgow delegate expreſſed a ſimilar ſentiment in his own name. Mr. John Laing withdrew his motion."

" Mr. Douglas in the Chair.

" Mr. Callender having left the chair, recommended unanimity in a very animated ſpeech."

" Mr. ——— from Fife, withdrew his oppoſition."

" Mr. Chalmers alſo withdrew his oppoſition, and begged that the minute of his conſtituents ſhould be returned with a proper official recommendation. The Convention then reſolved to petition the Houſe of Commons as the only competent branch of the legiſlature to be applied to in caſes of reform in the repreſentation."

" Mr. John M'Intyre congratulated the meeting on the unanimous deciſion of this debate on this very important queſtion."

" Mr. Donaldſon and Mr. Mitchell, from Paiſley, were appointed to dine with Mr. Muir. Adjourned at a quarter paſt four till ſix."

EODEM DIE—EVENING SITTING.

" Alexander Callender, Eſquire, in the Chair.

" The minutes being read and corrected, the thanks of the Convention were given to Mr. Skirving from the chair, for his integrity and ſervices."

" Mr. M'Arthur's motion reſpecting prayers was unanimouſly agreed to."

" Mr. Scott's motion as to Lord Daer, and Mr. Roſs's as to H. Bell, withdrawn."

" The

" The Rev. Mr. Douglas's motion to expreſs our approbation of the ſlave trade, was unanimouſly agreed to; and it was reſolved, that this dreadful and infernal traffic ſhould be taken particular notice of in the addreſs to the public, and the unanimous wiſh of the Convention for its immediate and total abolition, expreſſed in ſtrong terms."

" Mr. M'Cubbin's motion to recommend to the Committee, appointed to draw up a petition to parliament to obviate the objections made againſt receiving the petitions for reform, was unanimouſly agreed to, after being amended as above."

" Mr. Roſs's motion, that in order to bring to light, and to puniſh the perpetrators of oppreſſive and arbitrary acts, a perſon in every town ſhould be appointed a guardian to diſcover, publiſh, and proſecute all ſuch proceedings; being read, it was agreed, that where the facts are well ſubſtantiated, ſocieties ſhould minute an account of them in a book."

" Mr. Binny's motion to print the names of the members withdrawn, but reſolved, that thoſe who have withdrawn from the aſſociation ſhall be waited on, and their proportion of expences demanded."

" Mr. Skirving moved, that every member in the aſſociation, if a ſervant, and in employment, ſhall be required to pay ſixpence towards defraying the public debt; if not a ſervant, one ſhilling at leaſt. That every new member to be admitted, ſhall pay one of theſe ſums; and that this contribution be levied two times in the year previous to every Convention, and ſent up with the ſeveral delegates, and paid into the Committee of general finance. Carried unanimouſly, after ſome debate, with this proviſo, that the firſt collection ſhall be remitted within the courſe of the month."

" Meſſrs. Gourley and G. Roſs being appointed collectors for this night, the ſum of 3l. 13s. 9d. was collected, which, with 2s. 6d. of overplus at dinner this afternoon, makes in all 3l. 16s. 3d."

" The following gentlemen were appointed to dine with Mr. Muir, to-morrow, viz.

" Mr. Henchelwood,
" Mr. Hepburn,
" Mr. Campbell,
" Mr. Mitchel, Strathaven,
" Mr. Philip, Dunfermline,
" Mr. Callender."

"The Rev. Mr. Donaldſon read the ſcroll of a congratulatory letter drawn up by him and Mr. Douglas to be preſented to Mr. Muir, which being read paragraph by paragraph, after a very few amendments, met the approbation of all preſent."

"Reſolved alſo to ſend a ſimilar letter of congratulation to Mr. Palmer. Mr. Skirving moved, that the thanks of this Convention be given to the country delegates in general, and particularly to the Rev. Meſſrs. Donaldſon and Douglas for their attendance on this occaſion, which was done accordingly, and ſuitable returns made. The chairman concluded the buſineſs of the evening with a prayer ſuited to the importance of the great and glorious cauſe we are engaged in."

"EDINBURGH, 1ſt NOVEMBER 1793.

MORNING SITTING.

"Mr. John Milne, from Newton, near Melroſe, in the Chair.

"The ſecretary read the minutes of laſt ſitting. Mr. Downie preſented a ſtring of reſolutions for diſcuſſion, when it was agreed that the time of the Convention was too far gone for theſe reſolutions to have proper effect, but agreed that they ſhould be read over after opening of the evening ſitting, and lie on the table of the Convention."

"Mr. Hepburn moved, that the thanks of the Convention ſhould be given to Mr. David Clark, the victim of the day, for his manly exertions in the cauſe of reform. Agreed to."

"It was then agreed to come to a diſcuſſion of the motion preſented by Mr. James Mitchell, for petitioning the King againſt the war."

"After ſeveral animated ſpeeches, breathing the true ſpirit of benevolence and chriſtianity, it was unanimouſly agreed to call upon the people of Scotland to unite as one man to petition the King againſt the war."

"Rev. Mr. Donaldſon moved, that it ſhould be the ſecretary's buſineſs to recommend to the various ſocieties to ſend up thoſe gentlemen as delegates who are moſt able for that ſtation. Agreed."

"Mr. Skirving moved, that the next Convention ſhould mee

on

on the laſt Tueſday of April. Reſolved, and adjourned till the evening."

"Motion by Mr. Wright reſpecting the right of the people to chooſe delegates. Agreed to *nem. con.*"

EVENING SITTING—EODEM DIE.

"Mr. Walter Hart, from Glaſgow, in the Chair.

"The minutes being read, Mr. Gourley's motion for recommending provincial aſſemblies to be held, was diſcuſſed, when it was reſolved to recommend it to ſocieties in the country to hold frequent intercourſe with each other, and to meet at ſtated periods for that purpoſe; and alſo to eſtabliſh ſocieties in thoſe places where there are known to be friends of reform; and likewiſe in the interim to ſend frequent deputations to each other."

"Mr. Skirving read a printed copy of his circular letter, and propoſed to publiſh ſomething regularly once a month on the reform buſineſs. Reſolved unanimouſly to recommend this plan to the encouragement of the ſocieties in the country, that they may write Mr. Skirving within the month how many copies they intend to take."

"Mr. Mealmaker's motion of thanks to Mr. Scott unanimouſly agreed to, and a proper return made by Mr. Scott. Mr. Richard Younger moved to ſupport the Gazetteer. Reſolved to recommend to the friends of the people, that they ought to do all in their power to ſupport that paper in ſuch manner as Mr. Scott may require."

"A collection being made, 2l. 2s. 4d. was collected, which, with 2s. 10d. balance of reckoning, is 2l. 5s. 2d."

"Mr. Callender informed the meeting of the reception he had met with from the Lord Provoſt."

"Mr. Sinclair's motion for a ſubſcription for Meſſrs. Muir and Palmer. Mr. Skirving moved an amendment, which was unanimouſly agreed to."

"Mr. Callender moved the thanks of the Convention to Mr. Wharton and his adherents, for the glorious appearance they made on the ſubject of the conſtitution on the 1ſt of June. Seconded by the depute ſecretary, and unanimouſly agreed to."

" Mr. Skirving moved the thanks of the Convention to Colonel M'Leod, which was alſo ſeconded by A. A. and unanimouſly agreed to."

" Mr. Skirving moved, that this Convention expreſs its ardent deſire to cultivate a more cloſe union with the ſocieties in England, which was unanimouſly agreed to."

" Mr. M'Intire moved the thanks of the Convention to Mr. Callender. Agreed to *nem. con.*"

" Mr. Binny moved a vote of cenſure on the conduct of the Lord Provoſt. Withdrawn."

" Reſolved to ſupport Mr. Clark."

" Reſolved, that Mr. Skirving ſhould dine with Mr. Muir to-morrow, and take any friend with him."

" Mr. Callender moved the thanks of the Convention to the ſecretary and the depute ſecretary, which were unanimouſly agreed to; and the ſame compenſation, as formerly, was voted him for his trouble, with ſomething more when the funds can afford it."

" The MS. pamphlet, entitled, A Review of the Britiſh Convention, was remitted, for want of time, to the conſideration of the Edinburgh Monthly Committee, and the ſecretary was impowered to write the author. Cloſed by prayer by Mr. M'Intyre."

" Additional Delegates.

" From	In favour of
" *Stirling* - - - -	Robert Forreſter.
" *Darwell* - - - -	John Cleland,
" *Dundee* - - - - -	George Roſs.
" *Linlithgow* - - -	Stephen Gibſon.
" *Calton* - - - - -	Peter Hunter, William Boyd.
" *Strathaven* - - - -	James Wilſon.
" *Hamilton* - - - -	Will. Haddow, James Hamilton.
" *Eadleſton* - - - -	Thomas Noble.
" *Dundee, Newburgh* -	Apologies.
" *Pathhead* - - - -	Robert Raet, John Halley.
" *Muſſleburgh* - - -	John Niven, Duncan Charles.
" *Dundee* - - - - -	George Mealmaker.

" *Fenwick* and *Kilmaurs* - Robert Muir.
" *Forfar* - - - - - Patrick Milne.
" *Selkirk* - - - - - - William Johnſton.
" *Dunfermline* - - - Peter Reed.
" *Linlithgow* - - - - George Brockley."

FIRST DAY'S SITTING.

" EDINBURGH, 19th NOVEMBER 1793.

" General Convention of Delegates.

" Mr. Walter Hart from Glaſgow, was called to the Chair.

" The roll being called, new commiſſions read, and additional delegates added to the liſt,

" Mr. Margarot moved, that a Committee be appointed to draw up rules for the internal government of the Convention, which was ſeconded and agreed to. It was alſo reſolved, after ſome argument upon the ſubject, that the tickets of admiſſion ſhall be delivered to the delegates to-morrow, with their names inſcribed on them by the ſecretary."

" Mr. Skirving moved, that a Committee be appointed to draw up the addreſs to the public, formerly reſolved on by the Convention."

" The following Committee was appointed to draw up the rules for internal regulation, viz.

" Mr. Margarot,
" Lord Daer,
" Mr. Sands,
" Mr. Gartley,
" Mr. William Skirving,
" Mr. Brown,
" Mr. J. Clark,
" A. Callender, Eſq.
" Mr. William Muir."

" Mr. Sinclair moved, that Lord Daer's reſolutions, preſented to the firſt general Convention, be remitted to that Committee, which was agreed to. Mr. Gourlay moved, that Lord Daer be called to the chair, which was ſeconded by the depute ſecretary, but oppoſed by Citizen Daer himſelf, as well as Citizens Gerrald and Sinclair, as favouring too much of a ſpirit of ariſtocracy. Whereupon it was unanimouſly reſolved to call Mr. Callender to the chair."

" The meeting being conſtituted by prayer, and the whole of the laſt minutes read, the Secretary repeated his motion, that a Committee be appointed to draw up the addreſs to the public."

" Lord Daer expreſſed his diſapprobation of truſting too much of the buſineſs of the Convention to Committees. Mr. Brown, from Sheffield, urged many arguments upon the neceſſity of appointing Committees on particular buſineſs."

" Mr. Margarot moved, that previous to publiſhing an addreſs to the public, a Committee be forthwith appointed, to conſider the means and draw up the outlines of a plan of general union and co-operation between the two nations, in their conſtitutional purſuit of a thorough parliamentary reform, which was unanimouſly agreed to.

" Mr. Margarot alſo moved, that the Convention ſit but once a day, and that the evenings be allotted to Committees. A member from Glaſgow propoſed an amendment, that the Convention ſhould ſit in the evening and the Committees in the forenoon."

" Lord Daer obſerved that it would be proper to avoid an ariſtocratical dependance on Committees, and to delay appointing Committees till the mode of appointing them was agreed upon."

" Reſolved, That Committees ſhall meet in the forenoon, and the Convention at five in the afternoon."

" Mr. Wright moved that the Committee appointed to meet to-morrow ſhould be an open Committee."

" Mr. Brown, from Sheffield, objected to it as tending to obſtruct the buſineſs of the Committee."

" Lord Daer propoſed that in this particular caſe, the paſt practice ſhould be adhered to."

" Mr. Brown replied and ſeveral other ſpeakers, when it was unanimouſly reſolved, that it ſhould be a ſhut Committee.

" Reſolved, That all the delegates from England be members of this Committee."

" The Depute Secretary moved, 1ſt. That it be enacted as a ſtanding law of this and all future Conventions, that no member of any Convention ſhall be called to the chair above once during the different ſittings of any General Convention; and

" 2dly,

"2dly, That no delegate called upon by public acclamation, or ſhew of hands, ſhall upon any pretence refuſe to take the chair.——The meeting being cloſed by prayer, was adjourned till to-morrow afternoon at five."

SECOND DAY'S SITTING.

"Alexander Callender in the Chair.

"Five o'clock in the evening.

"This ſitting commenced with delivering tickets to the members of the Convention.—The following viſitors were admitted, Capt. John Fiſher from Glaſgow, William Smeall from Pennycuick, John Wilſon from New Town Society, D. Hutchiſon from Kinroſs, D. Grieve from Inverkething, Dr. Forreſt and Meſſrs. Thomſon and Patterſon from Stirling, R. Ogle, Mr. Drummond and Mr. Ramſay from Dumfries, James M'Kain from the Operative Society, James M'Laren, William Brown, Adam Melroſe."

"Mr. William Watſon, from the Dalkeith Society, paid one guinea to the general fund; and the Convention being conſtituted by prayer, and the minutes read, and general obſervations made, the Secretary read two letters, one from Richard Davidſon, Secretary to the Conſtitutional Society at Leeds, apologizing for not ſending delegates to the Convention; and another from Newton, ſigned John Milne, offering a ſimilar apology."

"Mr. Jackſon, from Pennycuick, in the Chair.

"Lord Daer gave in the report of the Committee who ſat this forenoon, on the buſineſs referred to them."

Mr. William Johnſton, from Selkirk, paid Mr. Skirving one guinea towards the general expence, in name of that Society."

"Mr. Scott moved, that the rule in the report, reſpecting the appointment of three minute takers, ſhould be firſt diſcuſſed."

"Lord Daer, after explaining what was meant by the term minute takers, propoſed to take up the queſtion reſpecting the diviſions firſt."

"Mr. Binny objected to the plan of diviſions, as tending to loſe time inſtead of ſaving it."

"Reſolved, by a ſhew of hands, to conſider this queſtion firſt."

"Lord Daer explained the neceſſity and utility of ſuch diviſions, repelled the objections that might be made againſt the plan, and ſhewed that it entirely ſet aſide the difficulty that had been ſtarted againſt the Committees fitting in the forenoon, as tending to throw the majority of the Convention idle. He alſo ſhewed, that this plan would tend both to repreſs the forward and to encourage the diffident, and would contribute much to the improvement and inſtruction of all the members of the Convention, by making the members acquainted with each other, and thus giving to many, good ideas which might be ſtarted in theſe ſmall diviſions, that through modeſty would never be brought forward at large meetings."

"Mr. Brown reminded Lord Daer, that one reaſon why the Committee approved of the diviſion plan, was, that it pointed out the beſt means of appointing Committees."

"Mr. M'Intyre objected to the plan of diviſions, and recommended rather to adopt the general aſſembly's method of overtures, as preferable."

"Citizen Gerrald vindicated the plan of diviſions, as tending to enable the Convention to make up their minds upon the buſineſs to come before them."

"Mr. Buchanan propoſed only three diviſions, conſiſting of larger numbers."

"Mr. Margarot vindicated the plan, as tending to ſhorten the buſineſs of the Convention, and inſiſted, that the familiar intercourſe that would take place in theſe diviſions, would be the chief uſe of them."

"Mr. George Roſs objected to the diviſions, as tending to give influence to leaders."

"A member from Paiſley ſaid this could not happen, as the diviſions were to be choſen by lot."

"Mr. Wright agreed with Mr. Buchanan in appointing more numerous diviſions, and ſaid that 25 ought to be the number."

"Mr. Sinclair ſhewed the neceſſity and importance of the plan of organization, and inſiſted that the diviſions were neceſſary, and that the loſs of a day or two ought to be of no conſideration, compared with the magnitude of the object."

"Mr.

" Mr. Margarot promiſed, in name of himſelf and his colleagues from England, that they would grudge no time to execute with propriety the important buſineſs they were come upon."

" Lord Daer vindicated the diviſion plan, as tending to prevent that otherwiſe unavoidable aſſumption of power which took place at the firſt convention, and which unavoidably takes place at all public meetings."

" Mr. Brown from Sheffield roſe to remove any remaining objections that might be made againſt the plan, and urged that the grand point in raiſing a good ſuperſtructure was to lay a good foundation, to do which, no time ſhould be grudged; and ſhewed the great utility of the plan in the nomination of Committees."

" Mr. John Clerk expreſſed his approbation of the plan, but ſtarted a difficulty about the mode of executing it."

" Mr. Skirving ſaid, that the eaſieſt and readieſt mode was, for every delegate to give in two tickets, and when mixed in a hat, or the like, to take them out as they lay."

" Mr. Callender moved the queſtion, divide or not, when it was carried unanimouſly in the affirmative."

" Lord Daer called the attention of the meeting, to the queſ-
" tion as to the number in each diviſion, whether 15 or 20."

" Depute Secretary propoſed 25 as the number."

" Mr. Scott pled for this meaſure—Mr. Brown pled that 15 was a ſufficient number."

" Reſolved by a great majority, that the number of each diviſion ſhall be about 15, and that 11 o'clock ſhall be the hour of meeting."

" Lord Daer propoſed as the beſt mode of diviſion, that it be done by lot. Agreed to unanimouſly."

" Lord Daer propoſed, as the period of renewal, once a week. Agreed to *nem. con.*"

" He then propoſed, that the beſt mode of dividing by lot, would be, to collect the tickets immediately, and then mingle and draw them promiſcuouſly, and ſet down the names according as they ſhall be drawn.—Agreed to unanimouſly."

" And

" And Meſſrs. Callender having collected the tickets, they were drawn as follows.

FIRST DIVISION.

James Dun
James Gartley
William Farquharſon
John Stark
Alexander Aitchiſon
John Braidwood
John Muir
Thomas Cockburn
Robert Foreſter
James Mutter
Robert Chriſtie
John Buchanan
George Malcolm
Robert Muir
James Smith

SECOND DIVISION.

John Taylor
Henry Rait
James Cunningham
James Tweedie
David Gowans
James Boyd
George Cotton
George Milne
D. Taylor
William Philip
John Thomſon
A. Knox
Walter Hart
John Cleland
David Bertie
John Gilchriſt.

THIRD DIVISION.

Mitchell Young
Thomas Noble
James Lawſon
John Gartley
John Wilſon
James Wilſon
John Englis
T. Cockburn
D. Weir
James Fovar
James Smith
Samuel Paterſon
John Wild
William Bonthrón
David Downie
David Lyon

FOURTH DIVISION.

Peter Moffat
Joſeph More
William Robertſon
Thomas Tweeddale
Lord Daer
John Jackſon
J. Graham
James Bourdon
Alexander Bremner
Archibald Gray

Alexander

Alexander Callender
R. Peacock
John Johnſton
Peter Hunter
John Grindlay
Robert Sands.

FIFTH DIVISION.

Archibald Maſtie
John Baillie
Archibald Wright
George Anderſon
Adam Pringle
Peter Wood
David Gowans
George Roſs
Adam Richmond
John Smeall
James Smeall
Alexander Plenderleith
William Fleming
John Wardlaw
William M'Cubbin
William Tod.

SIXTH DIVISION.

John M'Intyre
Duncan Charles
Charles Dantzkin
William Haddow
James Bell
Colin Norrie
John M'Arthur
Stephen Gibſon
F. Watſon
Charles Sinclair
John Hepburn
Alexander Fortune
James Richmond
M. C. Brown
John Noble.

SEVENTH DIVISION.

Alexander Bell
Peter Mill
John Gourlay
John Richmond
Peter Hardie
John Laing
William Roſs
John Dickſon
Joſ. Smeall
John Henchelwood
William Simpſon
Alexander M'Kenſie
James Purves
Archibald Binny
David Brown

EIGHTH DIVISION.

George Cleland
William Romanus
David Burn
Andrew Newton
John Wilſon
William Urquhart
George Mealmaker
Maurice Margarot
John Clark
William Johnſton

David

David Weir
Joſeph Gerrald
John Hodge
William Boyd
James Little.

NINTH DIVISION.

James Paterſon
W. Brodie
Alexander Cockburn
George Waddle
Eben. Stalker
William Martin
George Turner
Randolph Slack
Thomas Bell
R. Orrock
W. Caſper
John Thynne
John Fairley
——— Taylor
Peter Leyden

TENTH DIVISION.

Arthur M'Ewan
J. Auchenleck
J. Thompſon
Richard Younger
Archibald Gibſon
James Thompſon
James Tod
James Calder
William Watſon
William Muir
David M'Bain
C. Ritchie
Charles Gray
J. Lawſon
Dugald Murray

ELEVENTH DIVISION.

James Ferguſon
John Kirk
Andrew Simpſon
James Wilkie
William Eelbeck
David Lyon
Thomas Noble
William Moffat
William Skirving
James Carmichael
George Callum
James M'Kay
Charles Salter
John Dun
John Niven
Alexander Reid.

" While theſe liſts were making out, the Convention argued the queſtion reſpecting the mode of appointing Committees; when, after a number of different ſpeakers had delivered their ſentiments on the ſubject, and propoſed different plans,

" 1ſt. Reſolved, That the diviſions ſhall name a leet for the Committees of the number, whatever it may be.

" 2d. That the priority upon a leet ſhall depend upon the number

ber of individual votes, which ſhall be marked upon the leet of each diviſion.

" Reſolved. The 1ſt diviſion to meet in the Canongate Lodge.

" The 2d diviſion to meet in Mr. Philip's ſchool.

" The 3d in Citizen Roſs's, Liberty-court.

" The 4th at the Gazetteer Office.

" The 5th at the Gazetteer ſtairs.

" The 6th at ditto.

" The 7th at Mr. Robertſon's ſchool, Symon's-ſquare.

" The 8th at Mr. Mullo's, Liberty-ſtair.

" The 9th to meet in the Steward's room.

" The 10th to meet in this lodge.

" The 11th at Mr. Campbell's, Warriſton's-cloſe."

" Lord Daer propoſed, that any new delegates who may attend the Convention after this arrangement, ſhall be added to the different diviſions in their order.

" Mr. Scott announced as a new delegate Citizen Walker, deputed, but without a formal commiſſion of delegation, from Citizens Muir, Palmer, &c. at preſent on board the Royal George.

" Mr. Margarot moved, that a Committee be appointed to conſider of, and draw up a proper plan of union between the two nations, according to the reſolutions paſſed yeſterday.

" Lord Daer moved, that it conſiſt of 13.—Both motions were unanimouſly agreed to.

" Citizen Callender and the Preſident were deputed to wait upon the Society of Shoemakers, and requeſt the uſe of the lodge to-morrow night. The tickets being delivered to the delegates, and the places of meeting for the diviſions read over, a motion was made for a collection, but as many had now gone away, the collection was poſtponed till to-morrow evening, when it is hoped it will be the more liberal.

" The Chairman having cloſed the buſineſs by prayer, the Convention adjourned till to-morrow, at five."

" EDINBURGH, 21 NOVEMBER, 1793.

" Mr. Jackſon in the Chair.

" A motion was preſented and read, ſigned by Meſſrs. Robertſon and Campbell, that each ſtranger admitted ſhall pay one ſhilling;

ling; and all members of the aſſociation, who are not delegates, ſhall pay ſixpence."

"Mr. Skirving informed the meeting, that the Rev. Citizen Douglas, of Dundee, had ſent a parcel of books, entitled, "Thoughts on Modern Politics," which he authorized him to ſell, and devote the one half of the money to the Convention funds; whereupon the depute ſecretary moved, that the thanks of the Convention be returned to Mr. Douglas for this inſtance of generoſity."

"The following viſitors were admitted: Mr. Reid, Mr. Pearſon, Potterrow; Mr. David M'Knight, Charles M'Laran, and George Brown, Potterrow; John Thomſon, Andrew Cockburn, Mr. Smith, from Pennycuik; Mr. Thomſon, from Stirling; Mr. Petrie, Mr. Lowrie, Newtown Society."

"The minutes being read, and prayers ſaid, Mr. Margarot was unanimouſly called to the chair."

"The reports of the diviſions being given in, while the ſecretary was marking the votes, the depute ſecretary informed the Convention, that he had laſt night received fifteen ſhillings from ſix of the viſitors who had been preſent, and which was paid to Mr. Skirving, with three ſhillings received from viſitors."

"He alſo moved, that a general collection ſhould be made, which being agreed to, and Meſſrs. Callender and Scott appointed collectors, there was drawn inſtantly - - £.4 5 8
Of which there were two bad ſhillings - - 0 2 0

Balance - £.4 3 8

"Mr. Binny was appointed to read the reports of the different diviſions, as ſtated in the ſecretary's croſs liſts; and a leet being taken from thoſe who had the majority of numbers, they were unanimouſly elected by the Convention, except Mr. Buchanan, who declined the election, as a Committee for the purpoſe of forming a union, viz. Meſſrs. Margarot, Gerrald, Brown, Sinclair, Daer, Callender, John Clark, Sands, Mealmaker, John Gartley, A. Scott, Aart, and Haſtie."

"Mr. Callender ſuggeſted, that it would be proper to enter into a diſcuſſion of the nature of the propoſed union."

"Mr.

" Mr. Brown moved, the Convention do reſolve itſelf into a Committee to afford greater freedom of ſpeech."

" Mr. Buchanan objected to this propoſal, on the ſuppoſition that it tended to take perſons by ſurpriſe."

" Mr. Gerrald ſtated, that to honeſt men nothing is ſo valuable as truth, and that nothing can poſſibly tend ſo much to the diſcloſure of truth, as diſcuſſion and deliberation; that it was alſo very important that the Committee ſhould know as much as poſſible of the public mind, in order that they might act in uniſon with it."

" The Convention then reſolved itſelf into a Committee upon the motion of Mr. Brown; and many valuable hints were thrown out by Citizens Brown, Haſtie, Mealmaker, Scott, Callender, Urquhart, Buchanan, Campbell, and Gourlay. Gerrald obſerved, that whatever difference of opinion might exiſt in theſe walls, we can never forget that our friends and our enemies are in common, and that our object is equally the ſame. He took a review of the means we are to uſe in order to ſecure our object. He entered fully into the ſubject of univerſal ſuffrage and annual parliaments. He fully proved the rights of the people to theſe benefits by their ancient conſtitution. He minutely inveſtigated the principles of government. He aſſerted, that the end of all governments is the good of the governed; that if money be taken out of his pocket againſt his conſent, it is of little conſequence whether it be taken by the robber on the heath, or the monarch on the throne. He made many remarks on the revolution ſettlement, and the benefits gained by the laſt revolution, and demonſtrated clearly, that they are now totally taken away. He warned the Convention againſt the choice of any other than known and plain men like themſelves—men uncontaminated by the peſtilential air of courts."

" Mr. Jackſon from Pennycuik paid Mr. Skirving a guinea towards the common fund, in name of that Society."

" Mr. Skirving moved, that the Convention be reſumed, and that ſome buſineſs be chalked out for the Committee. Seconded by Mr. Brown."

" Mr. Sinclair, in abſence of Lord Daer, gave in the continuation of the Committees report reſpecting the election of Pre-

ling; and all members of the aſſociation, who are not delegates, ſhall pay ſixpence."

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" Mr. Sinclair, in abſence of Lord Daer, gave in the continuation of the Committees report reſpecting the election of Pre-

ſidents

ſidents—of three aſſiſtants, one to go out daily; and reſpecting the council of the table."

"The collection at the door amounted to - £0 19 3

"More - - - - - - - - - - - - 0 1 0

1 0 3

which was delivered to the Treaſurer by Mr. Reid."

"Mr. Sinclair propoſed that the whole reports of the Committee ſhould be delayed till the report was completed."

"Mr. Clark and Mr. Sands propoſed an immediate diſcuſſion."

"Mr. Brown obviated Mr. Sands' fear of delay."

"Mr. Sinclair urged as a reaſon for delay, that Lord Daer was employed in completing the report of the Committee."

"Mr. Brown propoſed that the firſt rule be immediately adopted, which was at laſt agreed to; and the reſolutions being ſeverally put, it was reſolved unanimouſly that all the three reſolutions be agreed to."

"Mr. Callender moved to fix the hour and place for the Committees to meet."

"Reſolved, the Committee on the regulations meet here at 11 to-morrow."

"The general meeting at 3 o'clock, and the other Committee at 8, at the Black Bull."

"The names of the members of the different diviſions or claſſes were then read over, with their places of meeting; after which the Preſident concluded the buſineſs with a ſuitable prayer, and the meeting adjourned till to-morrow at three o'clock."

EDINBURGH, Nov. 22, 1793.

FOURTH DAY'S SITTING.

"Mr. Margarot in the Chair.

"The reports being called for, and read, Citizens John Clark and Archibald Haſtie, of Paiſley, were found to have the two higheſt numbers, Mr. Clark having 26 votes, and Mr. Haſtie 24; but Mr. Clark being abſent, it was unanimouſly agreed that Mr. Haſtie ſhould be called to the chair."

"The minutes being read, and Mr. Margarot having ſaid prayers,

"Mr.

"Mr. Haſtie took the chair."

"The leets for aſſiſtants to the Secretary were then read from the different reports, and the following gentlemen were found to have the majority of votes, viz. Charles Sinclair, William Roſs, and George Roſs."

"Mr. William Roſs having pled an apology, which was ſuſtained, Mr. John Wilſon was found to have the next higheſt number, whereupon Meſſrs. Sinclair, Wilſon, and Geo. Roſs, being propoſed as aſſiſtants, were unanimouſly elected by the Convention, and took their ſeats at the table accordingly."

"Citizen Sinclair then delivered the report of the committee, containing the following reſolutions, which being read from the chair, ſeparately, and the queſtion put upon each of them, were unanimouſly agreed to, viz.

"1ſt, That no perſon be elected to the chair twice in one week."

"2dly, That ſtrangers, who wiſh to be admitted as viſitors, ſhall ſend in their names to the council at the table, previous to their admiſſion."

"3dly, That they ſhall all ſit upon one ſeat; and,

"4thly, That they ſhall not mingle with the members of the Convention, under the pain of excluſion."

"Mr. Sinclair, in name of the committee, aſked leave for the committee to ſit again, which was granted, and to-morrow, at ten, appointed."

"Citizen Gordon Murray, the door-keeper, received orders to put the laws reſpecting viſitors in execution."

"Mr. Andrew Newton's motion, given in laſt night, was then read by the depute ſecretary, ſtating a variety of reaſons, urging the propriety of the Convention appointing a day of general faſting and humiliation for our ſins, and for praying to the Almighty for ſucceſs to our cauſe. This motion was ſeconded, and ſtrongly ſupported by Mr. Mealmaker, as well as by Meſſrs. Callender, John Clark, and others, but was objected to by Meſſrs. Taylor, Sands, Margarot, Paterſon, and Aitchiſon, as tending to blend religion with politics, to divide the friends of reform, and to render the Convention ridiculous, by enacting what they neither had right to enact, nor power to enforce."

" Citizen Gerrald then propoſed to recommend the propriety and neceſſity of applying for divine aid, but not to enjoin any thing on the ſubject.—Mr. Skirving moved an amendment to that purpoſe, which was ſeconded by Mr. John Wilſon.—Citizen Gerrald then moved the amendment in the following terms, which being read from the chair, and the queſtion put, was unanimouſly agreed to by a very great majority, viz.

" That this Convention do earneſtly recommend, both to " the Members of this Convention, and to the Friends of " Freedom and Reform through Great Britain and Ireland, to " invoke the bleſſing of Almighty God, who is the common " Father of all men, on the cauſe in which we are engaged."

" The original motion of courſe was laid aſide."

" Citizen Skirving then moved, that the addreſs to the public ſhould be drawn up by the committee upon the union, which was unanimouſly agreed to.—A motion to ſupport the Gazetteer, ſigned by ſix members, was read, and ordered to lye over till to-morrow."

" A motion was preſented by the Secretary and Depute Secretary, that a Committee of Finance ſhould be appointed."

" Citizen Scott moved, that before any delegate from the country ſhall leave his poſt, he ſhall write to his conſtituents to ſend another up in his room.—Agreed to, nem. con."

" The Secretary moved, that delegates from the country, who may run ſhort of money, by the prolongation of the buſineſs of the Convention, ſhall be ſupplied by the Treaſurer.—The Council of the Table were appointed on this buſineſs:—Meſſrs. Callender and Fortune being appointed collectors, 1l. 10s. was drawn. The Chairman having cloſed the meeting by prayer, the Convention was adjourned till to-morrow at twelve, noon."

" CONVENTION-HALL, NOV. 23, 1793.

" FIFTH DAY'S SITTING.

" Citizen Haſtie in the Chair."

" Reports from every Section, except No. 11."

" Committee of Finance appointed, John Buchanan, James Gartley, Alex. Fortune, Alex. Scott,—Cleland, from Newmills."

" Citizen

" Citizen Gerrald appointed Chairman for this day's ſitting.—Citizen Binny, aſſiſtant; of courſe Citizen Wilſon goes out; when Citizen G. Roſs read the minutes of laſt ſitting.—The Preſident ſtated, that this morning he had received a letter from a friend in Norwich, who deſired him to inform the Convention, that they remained ſteady in the cauſe, and had nominated Citizen Margarot their delegate, and that they would contribute their ſhare of the expences attending the Convention.—Mr. Margarot accordingly accepted of the office, who congratulated the Convention upon the acceſſion of ſuch a great number of friends.—Upon it being ſtated, that Citizen Gerrald had buſineſs, public and private, to tranſact immediately, and requeſted that he ſhould leave the chair.—Agreed to."

" And Citizen Urquhart was elected to the chair.—A motion was then read, that a vote of Convention ſhould prove the unity of the delegates from the South and North."

" Citizens Muir, from Kilmarnock, Margarot, from Norwich, and ſeveral others, ſupported the motion, which was unanimouſly agreed to.—Citizen Scott propoſed, that all the members ſhould riſe up, and join hands, as a proof of the union betwixt England and Scotland, which are now joined as Britain.—Agreed."

" It was moved, that thenceforth the Convention ſhould be ſtiled, " The Britiſh Convention of the Delegates of the People, " aſſociated to obtain Univerſal Suffrage and Annual Parlia- " ments."—Agreed to unanimouſly."

" A motion was made for the Convention allowing the Members of the United Society of Iriſhmen to ſpeak and vote here.—Referred to the ſections."

" A committee was appointed to conſider the motion reſpecting the Gazetteer."

" Citizen Margarot, Brown, Binny, Skirving, James Gartley, John Hepburn, —— Mealmaker, appointed to meet in Citizen Roſs's Liberty Court at eight o'clock this evening."

" Citizens Muir, Haſtie, Taylor, and Cuningham, requeſted leave of abſence, which was granted, upon condition that they would do their utmoſt to ſend delegates in their places."

" Letter read from Mr. Colin Norrie Montroſe, announcing his departure, and requeſting minutes of the Convention to be ſent to him.—Anſwered, that he would receive them in the Gazetteer."

" Motion by Mr. James Gartley, reſpecting dividing the country into departments, and appointing provincial Conventions, whereby they may become more acquainted with each others ſentiments.—Referred to the Committee of Union."

" Mr. Skirving moved Mr. Binny, in place of Mr. Muir, on the Committee of Regulations.—Agreed."

" Mr. Urquhart on ditto, in place of Mr. Sands, and Mr. Wright, in place of Mr. Haſtie, on the Committee of Union."

" Reſolved, That all committees ſhall have it in their power to invite the aſſiſtance of ſuch members of the Convention as they think may be beneficial to the buſineſs entruſted to their charge."

" Converſation on the ſections."

" Reſolved to continue till Monday as at preſent."

" Motion by Citizen Gordon Murray, containing thanks to the movers of the diviſion into claſſes, mentioning the advantages already obtained from it, and requeſting a freſh ſhuffle.—Referred to the Committee of Regulations."

" Agreed, that the Members of Societies, in Edinburgh, join the Sections."

" Citizen Murray gave in a report reſpecting the uſe of the Lodge."

" The Preſident warned the Sections to meet as fully as poſſible on Monday."

" Adjourned till five on Monday."

" EDINBURGH, 25th NOVEMBER, 1793.

" SIXTH DAY'S SITTING.

" Mr. Urquhart in the Chair."

" The tickets were ordered to be gathered from all preſent, and the door-keeper to collect them from thoſe who come in afterwards."

" The

"The following new Commiſſions were read, viz.

"From	"In favour of
"Dunfermline,	"Mr. Peter Reed.
"Linlithgow,"	"Mr. George Brokley."

"The reports of the ſections being called for, were given in, and read, when Citizen M. C. Brown was found to have a decided majority for being elected Preſident."

"Mr. Urquhart having conſtituted the meeting by prayer,"

"Citizen M. C. Brown was unanimouſly elected Preſident, and took the chair accordingly."

"The reports of the ſections being again read reſpecting the choice of an aſſiſtant, Citizen Young was found to have the greateſt number of votes, but, being abſent, Citizen Samuel Paterſon was found next higheſt, and was elected accordingly."

"Citizen A. Callender moved, that in caſe the Miniſter bring into the Commons Houſe a motion for a Convention Bill, it ſhall be noticed immediately to the delegates."

"A motion was given in for printing all papers reſpecting the objects of the Convention, in the Gazetteer office."

"A motion by James Gartley and William Roſs, for not receiving any motion that may tend to a religious diſcuſſion, was brought under conſideration; which, after ſome diſcuſſion, was with other motions of the ſame nature, laid aſide, and the Convention paſſed to the order of the day."

"Citizen Sinclair's motion relative to admitting the members of the United Society of Iriſhmen to ſpeak and vote in this Convention, came forward for diſcuſſion, when Citizen Sinclair, Callender, Gerrald, John Gartley, Buchanan, and others, ſpoke upon it, and agreed to, and guaranteed by a ſolemn joining of hands.—It being followed by a motion for tranſmitting the above reſolution to Citizen Archibald Hamilton Rowan, which paſſed accordingly."

"Secretary Skirving ſtated, that he had juſt now received, from an unknown hand, five ſhillings, for the uſe of the Convention."

"Honourable mention in the minutes was ordered to be made of this patriotic donation."

"A motion preſented and read, ſigned by Citizens M'Cubbin and Bremner, reſpecting a periodical publication to be printed by the Editor of the Gazetteer."

"A motion made by Mr. Sinclair reſpecting the appointment of an interim Committee at the end of every Convention, to call together the Delegates on extraordinary emergencies.—— Theſe motions were ordered to lie over."

"The Depute Secretary having moved a collection, Meſſ. Sinclair and Bell were appointed Collectors, when 2l. 3s. 10½d. was drawn, and given to Mr. Reid."

"The Sections were,

"No. 1."

"Archibald Binny, Robert Peacock, John Thynne, Alexander Bell, Robert Taylor, Ch. Ritchie, M. C. Brown, Archibald Wright, George Milne, William Philip, William M'Cubbin, Eben. Stalker, William Eelbeck, William Bonthron, John Johnſton, John Gourlay, Arthur M'Ewan."

"To meet in Canongate Lodge, Fleſhmarket Cloſe."

"No. 2."

"Alexander Plenderleith, John Inglis, John Dun, Joſeph Gerrald, John Gilchriſt, James Foyar, James Gartley, David Weir, Andrew Newton, William Roſs, Alexander Aitchiſon, George Roſs, David Gowans, David Bertie, James M'Kay, Robert Rait."

"To meet in Liberty Stairs."

"3d Diviſion."

"William Haddow, George Mealmaker, John Wardlaw, James Wilſon, Gordon Murray, James Bell, Alexander Bremner, John Laing, George Brockley, Maurice Margarot, Robert Chriſtie, James Lawſon, Alexander Fortune, James Somervaill, David Downie, Jo. Litſter."

"Mullo's, Liberty Stairs."

"4th Diviſion."

"Richard Younger, John Wild, John Grindlay, John Auchinleck, Mitchell Young, David Taylor, Walter Hart, James Smith,

Smith, James Thomſon, Alexander M'Kenzie, George Cotton, Charles Sinclair, Thomas Miller, Peter Wood, Alexander Callender, William Robertſon, Samuel Paterſon."

"In Citizen Roſs's."

"5th Diviſion."

"Alexander Reid, Peter Moffat, John Henſhelwood, William Broddie, John Cleland, John Stark, John Clark, William Romanus, Peter Reid, James Tweedie, James Smith, John Hodge, Robert Muir, David Burn, William Campbell, William Fleming."

"Mullo's, Liberty Stairs."

"6th Diviſion."

"John Gartley, James Little, Thomas Cockburn, John Buchanan, David Brown, John Wilſon, John Wilſon Wright, James Carmichael, David Lyon, Thomas Noble, Alexander Scott, Alexander Knox, James Calder, William Urquhart, William Moffat, John Hepburn."

"The Convention being divided into Sections, Mr. Gartley moved that the motions ſhould be laid before the Sections, and deſired the Council of the Table to condeſcend on thoſe that were to be firſt diſcuſſed."

"After arguing for ſome time upon this ſubject, it was reſolved ſimply to read the motions in the order in which they are to be diſcuſſed. This being done, the buſineſs was cloſed by prayer; after which the Convention adjourned till to-morrow at five."

"EDINBURGH, 26th NOVEMBER, 1793.

"SEVENTH DAY'S SITTING.

"Citizen Matthew Campbell Brown in the Chair."

"Reports from Sections No. 1, 2, 3, 5, and 6, were received and read, whereby it appeared that a majority of ſuffrages in the Sections were in favour of Mr. Sinclair. Citizen Sinclair, however, pled, that the Section to which he belonged had

given their voices for Mr. Clark, but that the Secretary was abſent. It was reſolved, however, that no verbal Report could be received from any Section; whereupon Citizen Browne having conſtituted the Meeting by prayer, Citizen Sinclair took the Chair."

"The reports of the Sections being again conſulted, Citizen Wardlaw was found duly recommended as aſſiſtant, and was accordingly elected."

"The minutes being read, Mr. Binny gave in the report of the Committee reſpecting the ſupporting of the Gazetteer."

"Mr. Scot not being preſent, the Convention ordered the Committee to furniſh Mr. Scot with queſtions propoſed to be put to him by the Committee, and to anſwer the ſame, and to report."

"The following Gentlemen were admitted viſitors: Citizens John Bernard, Andrew Ridgelay, William Mitchell, Robert Brockley, William Angus, Andrew Tweeddale, James Muirhead, Alexander Lamond, Adam Melroſe, James Taylor, John Hay, John Jonnet, Thomas Wyld, Robert Still, Walter Aitken, George King, John Thorburn, James Cuningham, C. Scott, Mr. Mitchell, Citizen Hamilton Dun, John Wilſon, Robert Ogle, George Callum, Citizen Jardine, George Frier, James Thorburn, William Thomſon, James Forbes, Charles Mather, Mr. Steel, James Wai, George M'Intoſh, John Robinſon, John Kay, John Denholm, John Eelbeck, Alexander Simpſon, and David Clark."

"After a long diſcuſſion upon Mr. Callender's motion, they referred the ſame for further conſideration till to-morrow."

"The collection for to-night amounted to 1l. 9s."

"Meſſ. Bremner and ———'s motion to employ the Editor of the Gazetteer for all papers relative to the Convention was then diſcuſſed at conſiderable length, when a conciliatory motion was made; but at laſt the original motion was referred to the Committee of Finance."

"Motion read, ſigned by Meſſ. Campbell and James Smith, that it be ordered that the Convention ſhall cauſe a regular ſet of books to be kept for the inſertion of Minutes, Motions, and other

other Proceedings, a book of Finance, &c. to be at all times ſubject to the inſpection of an intermediate Committee."

"Moved by Jo. Stark, and ſeconded by James Carmichael, that the Bill of Rights be ordered to be printed immediately."

"Another motion was made by Citizen Alexander M'Kenzie, ſeconded by Citizen Walter Hart, that it be recommended to the different Societies throughout the country to copy the Bill of Rights into their minute books, as a baſis for their proceedings, and as a memento to every good Citizen, that they are doing what the Conſtitution avows and admits, in order to prevent improper conſtructions from being put on their conduct as friends to Reform."

"All theſe motions were ordered to lie over to be conſidered by the Sections."

"The Depute Secretary moved, that in future buſineſs ſhould begin, and the Preſident take the Chair, preciſely at five minutes paſt five, in order to ſave time; which was unanimouſly agreed to."

"Mr. Gourlay was unanimouſly elected Tranſcriber of Motions."

"The Chairman having ſaid prayers, the Convention adjourned."

"EDINBURGH, NOVEMBER 27, 1793.

"EIGHTH DAY'S SITTING.

"Mr. Sinclair in the Chair."

"The reports being given in from all the Sections, Citizen John Clark was found to have the majority, but he being abſent, and C. John Gartley being alſo abſent, Citizen Mealmaker was recommended, and the queſtion being put, was unanimouſly elected. The following viſitors were admitted, Meſſrs. Lyon, Mr. Thomſon, James Thomſon, George Walker, John Davies, from London."

"The Chairman having conſtituted the meeting by prayer,"

"Mr. Mealmaker took the chair. The reports of the Sections, as to the nomination of an aſſiſtant being read, Mr. Young was found to have the majority, but being abſent, Mr. James Wilſon was unanimouſly elected."

"The

"The minutes being read, a motion was preſented by Mr. Walter Hart. Seconded by Citizen Calder, that no notes be allowed to be taken; but———

"The Secretary moved, that it ſhould be immediately taken into conſideration. After arguing the matter, upon a ſhew of hands the votes were found equal, ſixteen being for immediate diſcuſſion, and ſixteen for a delay. Whereupon the Preſident gave the caſting voice for delaying the motion, for the conſideration of the Sections. Mr. Ellis, from Dundee, was allowed to ſpeak on the buſineſs."

"Mr. Callender's motion being then taken under conſideration, amendments were propoſed by Citizens Downie, Sinclair, and John Gartley."

"Mr. Margarot pled for adopting the ſpirit of Mr. Callender's motion, but thought it would be more advantageous to poſtpone adopting it till the concluſion of the Convention's buſineſs."

"Moved by Mr. Margarot, that a Committee, conſiſting of the Mover, Seconder, and thoſe who have moved for amendments of Mr. Callender's motion, be appointed to draw up a motion from the whole, that may probably meet the ideas of the whole Convention."

"After ſome converſation it was agreed upon the motion of Mr. Calder, that the vote of the houſe be put firſt on the ſpirit of Mr. Callender's motion. Secondly, on the words of the motion; and thirdly, on Mr. Margarot's motion.——Agreed."

"The ſenſe of the Houſe being taken of the firſt, it carried unanimouſly to adopt the motion as to its ſpirit. On the ſecond, it carried by a very great majority not to adopt the motion as ſo worded. And thirdly, it was reſolved, that ſaid motion and all amendments be referred as above."

"The report of the Committee for ſupporting the Gazetteer was then made, bearing that having received an unſatisfactory anſwer from Mr. Scot to the queſtions put to him by the Convention, laſt night, ſuggeſt the propriety of the Houſe reſolving itſelf into a Committee for the purpoſe of inveſtigating the affair, and for coming to a final determination thereon."

"The

" The Convention after ſome conſideration, found that all the aſſiſtance which was competent to them was, to recommend from the Chair to each Delegate preſent, to endeavour to prevail with their ſeveral Societies to collect what money they can for the pecuniary aſſiſtance required, and the ſame was done accordingly."

" The collection for defraying expences was next called for, and the ſum of 1l. 8s. 0½. collected."

" Citizen Jo. Gartley informed the Convention, that he was under the neceſſity to leave the Convention and return home. Leave was granted upon the uſual recommendation, and upon a motion Dr. Taylor was nominated to fill his place in the Committee of ———, and unanimouſly elected."

" The following motions were preſented and read, and ordered to lie over."

" Firſt, From Mr. Margarot, and ſeconded by Mr. Gerrald, that a Committee of five be appointed for the purpoſe of drawing up weekly an abſtract of the minutes of the Convention, in order that the ſame may be printed, and a copy ſent to every country Society."

" Second, From Mr. Archibald Wright, ſeconded by Mr. John Johnſton. That as ignorance is the great ſupport of oppreſſion, and knowledge its deſtruction, moved that this Convention take ſome method of enlightening the Highlands of Scotland."

" Citizen Taylor was unanimouſly elected a Member of the Committee of Finance, inſtead of Citizen Cleland, who is gone to Newmills."

" CONVENTION HALL, NOV. 28, 1793.

" NINTH DAY'S SITTING.

" Citizen Mealmaker in the Chair."

" After the report of the Sections, it was found that Citizen John Clark had ten voices, Citizen Romanus nine voices, and Citizens James Gartley and Taylor had each eight voices for the Chair. Clark and Romanus being abſent, it was thought proper to proceed with the election of the aſſiſtant, after which Citizen

Citizen Taylor was called to the Chair, and Citizen John Stark from Glaſgow, was elected Aſſiſtant, and the following viſitors were admitted: Mungo Barrowman, James Jackſon, Thomas Smith, Andrew Bain, Thomas Johnſton, Alexander Laidlaw, John Morton, Henry Vickars, Robert Gilchriſt, Andrew Cockburn, John Bartlet, John Barnet, James Muirhead, —— Wyld, John Sanderſon, John Lamb, John Findlay, John Elbeck, John Bogie, Thomas Johnſton, John Wright, James Fiſher, John M'Gregor, John Ingram, Alexander Galloway, —— Korburn, —— Muther, —— Lowrie, —— Steel."

"A. Scott gave in the report of Ten reſpecting the Secretary's accounts. The ſame were ordered to be ingroſſed. The Committee of Finance begged they might be allowed to ſit again, which was agreed to. They were ordered to meet on Saturday at ten o'clock, and the Edinburgh Committee of Finance appointed to attend them."

"A motion preſented by G. Roſs for the Committee of Union, to give in their report, was read, and it was anſwered, that they would do ſo when the buſineſs was finiſhed."

"A letter from the Societies in Paiſley was read, where they expreſſed their approbation of the acts of the Convention, and begged that Citizen Skirving ſhould act for them as their Delegate, which was granted accordingly."

"Citizen Sinclair read the amendment upon Citizen Callender's motion, as agreed upon by the Committee, and it was agreed upon the motion of Citizen ————, that the Houſe ſhould reſolve itſelf into a Committee for its mature conſideration. In the courſe of the converſation, Citizen Brown gave a hiſtory of the Habeas Corpus act. After an excellent diſcuſſion of the queſtion, pertinent remarks and amendments, the Convention was reſumed, and the whole as amended being read over, the members ſtood upon their feet and ſolemnly and unanimouſly paſſed the reſolutions as follows."

[*Here a page is left blank in the original minutes.*]

"Citizen

"Citizen Gerrald in an energetic and animated addreſs expreſſed his happineſs at the motion paſſed, and expoſed the act of the Iriſh Parliament, called a Convention Bill, and Citizen Brown followed him in a manly ſpeech, and proved the influence of the Executive Government over the Parliament."

"Citizen Margarot read and propoſed the following motion, viz. That a Secret Committee of three, and the Secretary, be appointed to determine the place where ſuch Convention of Emergency ſhall meet. That ſuch place ſhall remain a ſecret with them and with the Secretary of this Convention, and that each delegate ſhall at the breaking up of the preſent ſeſſion be entruſted with a ſealed letter containing the name of the place of meeting. This letter ſhall be delivered, unopened, to his Conſtituents, the receipt of which ſhall be acknowledged by a letter to the ſecretary, preſerved in the ſame ſtate until the period ſhall arrive at which it ſhall be deemed neceſſary for the delegate to ſet off. This motion was ſeconded by Citizen Moffat."

"And the ſame was paſſed unanimouſly."

"The following Citizens were nominated a Secret Committee on this buſineſs, viz. Margarot, Jo. Clark, with the Secretary and Brown, and they were requeſted to deviſe the beſt poſſible means of conveying this intimation to thoſe Societies whoſe views are the ſame with ours, but may not have delegates at this Convention."

"A collection was made, and one pound ſeven ſhillings drawn."

"Mr. Binny complained that he had received a letter ſigned by Robert Gilchriſt, William Tod, James M'Leay, and Henry Vickars. After reading the letter, and arguing upon the ſubject, it was reſolved, that the letter ſhould be burnt, and the doorkeeper ordered not to admit theſe viſitors to any future meeting."

"The following motions were read, and ordered to lie over for the conſideration of the Convention by Citizen Ellis, ſeconded by Citizen James Wilſon, that a fund be raiſed by ſubſcription for defraying the expence of ſmall patriotic publications to be diſtributed in the Highlands."

"Every publication ſhall bear the figure of a Highlandman in full dreſs, with target and broad ſword, to attract the attention of Highland-

Highlandmen. No publication to coſt more than half a penny."

"Second, By Citizen Calder and Gourlay, that a committee be appointed to draw up a declaration of the natural, unalienable, and unpreſcriptable Rights of Man, and that the ſame be prefixed to the addreſs to the people of Britain."

"Third, By Citizens Gourlay and Calder, that this Convention do order the bill called the Convention Act, paſſed in Ireland laſt ſeſſion, to be publiſhed."

"Fourth, Citizens Hepburn and Binny, that when any committee is nominated, the Convention ſhall fix the day when they ought to give in their report."

"Fifth, By Citizen Jo. Clark and M. C. Brown, that a committee of obſervation be appointed in London to give the earlieſt intimation of any motion of the kind mentioned in the foregoing reſolutions to the different ſocieties."

"CONVENTION HALL, firſt year of the Britiſh Convention, 29th of November, Anno Domini, 1793."

"TENTH DAY'S SITTING.

"Citizen Taylor in the chair, the reports of the ſocieties being given in, Citizen James Wilſon was choſen preſident, and Citizens Moffat and John Clark were elected Counſellors at the Table."

"The following viſitors were admitted, John Colvill, James Leighton, Robert Wilſon, Robert Hardie, George Lawſon, Daniel Campbell, James Smith, James Muirhead, John Muirhead, Drummond and Wallace, two ſtudents, George Frier, William Auchinlech, Davies, William M'Gill, Robert Ruthver, Robert Campbell, Solomon Wilſon, Robert Still, Rob. Burnet, David Hay, William Scott, James Archer, David Miller, John Merrylies, Thorburn, Mather, Cockſon, Jardine, John Lamb, James Laidlaw, James Gray, Steel, Kennedy, Galletly, Dickſon, Gray, Mitchell, John Keſſon, John Fergusſon, Rob. Hay, Robert Martin, John Noble, Palmer, Caſter, Forreſter, David Clerk, Ogle, Denoon, Watt, Fraſer."

"The

"The Secretary read a motion preſented by M. Margarot and Joſeph Gerrald, for weekly publication of the minutes, which, after ſome diſcuſſion with an amendment, propoſed by Citizen Brown, paſſed unanimouſly, and Citizens Moffat, Campbell, and Wm. Roſs, appointed the committee for drawing up the minutes."

"Citizen Margarot gave in the Report of the Committee of Regulations, which were ordered to be printed, and copies given into the Sections on Monday for their conſideration. Left it to the Committee of Publication to employ what printer they judge proper for printing the matters entruſted with them."

"The Secretary read John Clark's motion for a Committee of Obſervation to be appointed in London, Citizen Margarot ſtated that there was no occaſion for a Committee of that nature in London, as there were ſeveral thouſand people in that city upon the look out. It was accordingly agreed, that the Convention ſhould requeſt the London Committee of Correſpondence to give the earlieſt intelligence of what paſſes in Parliament."

"Archibald Wright's motion for enlightening the Highlands, as well as John Gartly, Bremners, Kings, and Ellis's, and Archibald Wright proceeded to ſupport his motion which he did by enumerating many of the grievances which our fellow Citizens in the Highlands labour under, with ſeveral other excellent remarks of his own. He was ſeconded by M. C. Brown, who ſtated one manner of enliſting ſoldiers in the Highlands which is too cruel not to be execrated, and too remarkable to paſs unnoticed, that when a man is what they term refractory, they take off his ſhoes and ſtockings, and hold his feet before the fire until excruciating torments make him agree to their nefarious meaſure."

"A collection was made, and one pound ſixteen ſhillings and ten-pence halfpenny drawn."

"A letter from a friend, &c. which had been tranſmitted to A. Scott of the Gazetteer, was read, containing patriotic ſentiments and two guineas. And Citizen Taylor preſented a guinea from another Citizen, whoſe name he was not at liberty to mention.

It

It was ſtated by the Secretary that a Citizen from London was preſent who was to give five pound five ſhillings to the Convention when a collection ſhould be made for enlightening the Highlanders. The thanks of the Houſe was unanimouſly given to the before-mentioned Patriots for their donations."

"Citizen Wright, Callender, Calder, Gerrald, and Sinclair, were elected a Committee to take into their conſideration the beſt method of diffuſing by Conſtitutional means political knowledge in the Highlands."

"Citizen Margarot propoſed that a ſubſcription ſhould be immediately entered into to carry the above into effect, and preſented one guinea for Gerrald and himſelf."

"A ſubſcription was immediately entered into for the above purpoſe by ſeveral Citizens, and the Treaſurer was entruſted with the paper and the money drawn. The paper is to lye upon the Table."

"The Convention at ten o'clock adjourned till to-morrow at eleven."

"NOVEMBER 30, 1793.

"ELEVENTH DAY'S SITTING.

"Citizen Wilſon from Strathaven conſtituted the meeting by prayer, after which Citizen Haddow was called to the chair, when the Secretary read a motion that a Committee be appointed to reviſe each day's minutes immediately on the riſing of the Convention, for the purpoſe of ſending them to the preſs, to make hereafter a daily Bulletine of the ſame, ſigned M. C. Brown and M. Margarot, the queſtion being put, the motion paſſed unanimouſly. The Committee choſen laſt night were appointed for this purpoſe to be changed by a vote of the Convention."

"The following viſitors were admitted, viz. Mr. Cranſton, William Rodger, Mr. Bourke."

"The Secretary read a letter from James Fiſher, wherein he informed the Convention that Engliſh was the beſt language for addreſſing the Highlanders, that with others were ordered to be given to the Committee upon that ſubject."

"Citizen

"Citizen Callender moved that no perſon ſhould be allowed the honour of the Sitting, unleſs recommended by two members, which with amendments as in the motion itſelf paſſed unanimouſly."

"A Commiſſion from the Lawn-market Society appointing Citizen John Davies as a delegate from that Society to this Convention."

"The Secretary read a motion of Citizen Hatt's, for the bill of Rights to be copied into the books of each Society. This motion paſſed as a recommendation for each Society to have a copy of the ſame, &c. now publiſhing by Mr. Skirving, &c."

"The Secretary read a motion for publiſhing the natural, unalienable, and impreſcriptable Rights of Man, which was ordered to be given to the Committee of Union."

"Moved, whenever a Committee is nominated, a day ſhould be appointed for their giving in their Report. Referred to the Committee of Regulations."

"A motion for printing the Convention bill paſſed in the Iriſh Parliament which was paſſed over."

"It was moved that Captain Johnſton ſhould report ſome circumſtances to the Convention, for which purpoſe the Houſe reſolved itſelf into a Committee, when he read an account of the tryal and ſentence of D. Holt, for reprinting the Duke of Richmond's, and William Pitt's reſolutions for a Parliamentary Reform. After which, the Chairman being replaced, the Secretary moved that Captain Johnſton ſhould be allowed the honours of the Sitting."

"Citizens Wilſon, from Strathaven, and Haddow, from Hamilton, requeſted leave of abſence ſhould be granted to them, and moved that all the Delegates who had left the Convention ſhould receive letters to return immediately, and remain at their poſts until the important buſineſs which was daily introduced into Convention ſhould be properly diſcuſſed. A. Scott propoſed that he would give a circular letter to the Delegates in the Gazetteer gratis."

"A motion of William Campbell for a regular ſet of books for the inſertion of minutes, motions, and other proceedings, a book of finance for the inſpection of an intermediate Committee which

paſſed with this amendment, that every perſon who made and ſeconded a motion, ſhould ſubſcribe his, or their names in the book for copying in the motions that have paſſed."

"A motion from Alexander Fortune for refuting charges made by Ariſtocratic authors, was referred to the Committee of Union."

"A motion from Mr. Margarot for every Delegate to ſubſcribe the minutes as a mark of his reſolution to abide by them, which lays over for conſideration of the Convention on Monday."

"Citizen Brown being appointed laſt night to draw up an anſwer to the letter which the Convention received, containing two guineas, read his anſwer, which was approved of and ordered to be publiſhed in the Gazetteer."

"A motion of David Downie to fine thoſe members who did not attend their ſections. The order of the day was called for."

"A motion for drawing out a ſcroll of a petition to Parliament being read, the order of the day was moved upon it."

"Four and ten-pence of a collection was made, and the Convention adjourned till five o'clock on Monday."

"MONDAY, DECEMBER 2, 1793."

"FIRST YEAR OF THE BRITISH CONVENTION."

"TWELFTH DAY'S SITTING."

"Citizen John Clark Maſon in the chair, and citizens Downie and Romanus aſſiſtants at the table. Read the minutes of the laſt ſitting."

"Upon it being moved that Citizen Smith's motion for petitioning Parliament be diſcuſſed immediately, it was agreed, that Citizen Smith ſhould withdraw it and preſent another."

"The motion preſented on Saturday by Citizen Margarot, was read by the Secretary, when Citizen Margarot roſe and ſupported it as well as Citizen Callender, who ſaw the neceſſity of people ſubſcribing to their principles. Citizen Brown did not ſee the motion neceſſary, as any member of the Convention would be liable to the penalties incurred by any act of the Convention

vention, although forty miles abſent from it at the time it paſſed."

" Citizen Margarot pled that no man was bound for any act of the Convention at which he was not preſent."

" Citizen Browne defended the oppoſite principle, and illuſtrated his argument by the caſe of a peer, who was hanged for being in the company of ſome poachers who killed a game-keeper, though his lordſhip had left them before the deed was perpetrated."

" Citizen Margarot preſented an amendment of his motion, which was ſeconded by Citizen Callender, and approved of by Citizen Brown, who defended the legality of our meetings, and the conſtitutional principles upon which we meet, and recommended unanimity as the baſis of our ſtrength and ſucceſs."

" Citizen Skirving inſiſted that all the members, both of the Convention and of the primary Societies, ſhould ſubſcribe a ſolemn league and covenant."

" Citizen Callender conſidered the whole members to be already bound."

" Citizen Gerrald pled for liberality of ſentiment, and compared the people and their enemies to the worſhippers of the true God, and of Baal. He afterwards read ſome paragraphs from the Edinburgh Herald, with ſuitable comments, and compared the Conſtitution of 1688 to a dead horſe. He ſhewed the inſipidity of the title Gentleman, and the propriety of the term Citizen. Remarked the impropriety of the mode of promulgating our laws, by reſtricting them to be ſold by one printer, and publiſhing them in the Saxon character, which few can read. After many other remarks, humourous and ſerious, he concluded by obſerving, that the ſignature aſſumed by the author A. B. was very proper, as his knowledge did not ſeem to go beyond the two firſt letters of the alphabet."

" Citizens Newton, Mealmaker and Aitchiſon, expreſſed their doubts of the neceſſity of the meaſure recommended in the amendment, which Mr. Brown removed. Citizen Aitchiſon ſaid he was ſatisfied. Citizen James Smith thought it ſavoured too much of the meaſures of Miniſtry, in fiſhing for loyal addreſſes. Citizen Mealmaker was of the ſame mind."

" Citizen Margarot defended the meaſure as a good precedent for future Legiſlators. Citizen Skirving alſo pled for the motion; inſiſted that it was proper, on all occaſions, to take the opinion of the primary Societies, and conſidered the Convention as only a committee of the people."

" Citizen Callender objected to the meaſure as unneceſſary, and acknowledged himſelf wrong in having ſeconded it."

" Citizen Margarot ſhewed ſeveral advantages that would flow from paſſing the motion, particularly in ſtopping the mouths of our enemies."

" Citizen Philip ſaid, whatever became of the motion he would report to his conſtituents."

" Citizen Brown inſiſted, that as Citizen Callender had objected to the motion he had ſigned, he begged his name might be inſerted in his ſtead."

" Citizen Margarot pled in favour of the motion, that the approbation given by the many thouſands of their conſtituents in London, Sheffield, Norwich, Leeds, &c."

" The motion being put to the queſtion, was agreed to with one diſſentient voice, who afterwards withdrew his oppoſition."

" Citizen Browne read a ſpirited advertiſement from the Nottingham Society, inſerted in a Sheffield newſpaper."

" Citizens Mealmaker, and James Smith, being appointed collectors, nineteen ſhillings and three-pence three farthings were drawn and delivered to Mr. Reid the Treaſurer."

" A motion was made by Citizen Scott, and ſeconded by Citizen Aitchiſon, that the Convention ſhall paſs ſome reſolutions reſpecting the late unprecedented and unwarrantable infringements on the Freedom of the Preſs; particularly the arbitrary ſentence of Judge Wilſon againſt Mr. Holt, for reprinting the Duke of Richmond's and Mr. Pitt's plan of Reform."

" The tickets being collected the Sections were divided as follows."

" No. 1."

" John Noble, James Tod, James Wilkie, John Auchinleck, Archibald Binny, James Foyar, Mitchell Young, Thomas Kennedy

Kennedy, James Calder, Peter Moffat, John Wilſon, David Brown, William Romanus, William Fleming, M. C. Brown, William Robertſon, David Lyon, David Malloch, Robert Orrock, —— Inglis."

"No. 2."

"William Johnſton, Peter Wood, Alex. Wilſon, Alex. Mac Kenzie, George Roſs, James Lawſon, David Downie, A. Knox, Thomas Cockburn, J. Grindlay, William Eelbeck, John Wilſon, Alex. Reid, James Smith, John Clark, John Muir, John Thynne, D. Taylor, J. Johnſton."

"No. 3."

"George Mealmaker, William Mac Cubbin, Robert Chriſtie, John Davies, William Philip, Peter Hunter, John Thomſon, William Campbell, David Bertie, Alex. Fortune, William Bonthrone, Alex. Aitchiſon, Maur. Margarot, John Wyld, James Bell, Andrew Newton, William Moffat, James Smith, Paiſley."

"No. 4."

"Arch. Wright, Joſeph Gerrald, Alex. Scott, George Brookley, James Thomſon, John Dunn, David Gowans, George Callender, Alex. Bell, George Waddle, James Carmichael, William Roſs, Alex. Bremner, John Gourlay, John Wardlaw, John Buchanan, James Somervaill, Thomas Smith, James Tweedie."

"Citizens Alex. Scot and A. Callender moved, that the Britiſh Convention take under conſideration a reſolution paſſed at laſt meeting of the Scottiſh Convention, to petition the Commons Houſe of Parliament for a Parliamentary Reform."

"Citizens James Smith and Peter Wood moved, that this Convention take under conſideration, whether (after the contemptible manner in which the late petitions for Parliamentary Reform were treated) they ſhall again petition for Reform, or at what period they ſhould recommend the ſame to their conſtituents.—The meeting concluded with prayer."

"THIRTEENTH DAY'S SITTING."

"The meeting elected Citizen John Wilſon, preſident, for this day's ſitting, and Citizens Fortune, Young, and Wardlaw, aſſiſtants at the table.—The Secretary read a commiſſion from Perth, appointing Citizens Malloch and Smith, delegates for the ſocieties in that town, which appointment the Convention approved of unanimouſly."

"The Secretary having read laſt night's minutes, the Convention proceeded to buſineſs."

"Citizen Brown, of Sheffield, produced a commiſſion from the Leeds Conſtitutional Society, appointing him their Delegate, which was received and approven of by the Convention."

"The Convention, upon a motion by Citizen Campbell, recommended to the ſocieties to meet as uſual in their reſpective ſocieties for receiving new members."

"The committees were called upon for their reports.—The excuſe from the committee was received.—The Committee of Regulation produced ſome additional rules for the conſideration of the Convention, which were reported by Citizen Margarot, one by one, after the Convention had agreed, by a vote, to poſtpone the final conſideration till the whole ſhould be printed, and laid under the conſideration of the ſections."

"After hearing Mr. Margarot, the additional regulations were ordered to be printed, and laid before the ſections to-morrow."

"Upon a motion by Mr. Skirving, that the liſt of ſubſcriptions for promoting political knowledge in the Highlands, ſhould be remitted to the committee on that buſineſs, be promoted in ſuch manner as they ſhall judge neceſſary.—The Convention accordingly remitted the ſame."

"Mr. Scott's motion and reſolutions being read, Citizen Aitchiſon was called upon, in abſence of Citizen Scott, the mover, to defend them, who ſaid that his ſole motive in ſeconding them was, that they might get a fair hearing.—Citizen Margarot oppoſed the buſineſs, as foreign to that which we were met upon, and thought it unneceſſary to attempt to lop off the branches, while we were endeavouring to——"

"Citizen

" Citizen Callender defended the reſolutions as neceſſarily connected with the buſineſs before us."

" Citizen Skirving inſiſted, that we had no proper data or official information to proceed upon."

" Citizen Aitchiſon argued, that the newſpapers, however falſe in other reſpects, could not err in relating matters of this kind; and propoſed that, as Mr. Scott was abſent, the further conſideration of the motion and reſolutions ſhould either be poſtponed till to-morrow evening, or remitted to a committee."

" Citizen Margarot had no objections to a delay, but urged many reaſons why either no notice ſhould be taken at all, or only a ſlight general reſolution paſſed and mentioned."

" Citizen Brown argued, that the perſecution of individuals ſerved the cauſe of reform, and therefore it would be improper to ſtop them in their preſent career."

" The Preſident having put the queſtion to proceed or delay the conſideration of the motion, it was unanimouſly agreed to delay it till to-morrow."

" Citizens Wild and Jo. Clark being appointed collectors, eighteen ſhillings and nine-pence were collected."

" A commiſſion of delegation from Paiſley, in favour of Citizen James Smith, was read, and his name ordered to be enrolled."

" The new delegates from Paiſley and Perth were added to the Committee of Finance, who appointed to meet at Roſs, half paſt three."

" Citizen Aitchiſon moved, that the office of Depute Secretary be aboliſhed."

" Citizens Gordon, Murray, and John Wardlaw moved, that the ſentences of different courts againſt our brethren, in the cauſe of Liberty, ſhould be printed and publiſhed to the world, that the world may judge of the merits of theſe merciful ſentences."

" Citizen Margarot moved an ironical amendment of Citizen Scott's motion."

"EDINBURGH, NOV. 3, 1793."

(Error in the original.—Should be 4th December.)

"FOURTEENTH SITTING OF THE BRITISH CONVENTION."

"No reports being received from any of the ſections, ſave one.—After prayers by the preſident of the former ſitting, Mr. Mac Cubbin was unanimouſly called to the chair.—James Wilſon, from Paiſley, to the council table."

"Read the minutes of laſt ſitting; called for the reports, if any, from committees.—Mr. Margarot begged leave to bring in a motion to the effect, that the moment of the illegal diſperſion of the preſent Convention be conſidered as our ſummons to repair to the place of meeting appointed for the Convention of Emergency, by the Secret Committee, and that the ſame motion be conſidered this evening."

"Leave was accordingly granted."

"The Convention then heard the only two motions on their table read, which regarding the ſame matter, and it being objected, that the buſineſs of theſe motions was to be taken up to-morrow evening, after ſome converſation it was carried by a vote of the Houſe, to delay further converſation till to-morrow evening."

"Mr. Margarot being prepared to bring forward his motion above mentioned, the ſame was taken under conſideration, and is as follows:

"Moved, "That the moment of any illegal diſperſion of the "preſent Convention, ſhall be conſidered as a ſummons to the "delegates to repair to the place of meeting appointed for the "Convention of Emergency, by the Secret Committee; and "that the Secret Committee be inſtructed to proceed, without "delay, to fix the place of meeting."

"The Convention having conſidered the motion fully, unanimouſly reſolved the ſame, and appointed the Secret Committee to proceed as deſired."

"Citizen Scot brought forward his moved reſolutions relative to the ſevere ſentences paſſed againſt Daniel Holt, the inter, &c."

"A commiſſion

"A commiſſion to Citizen James Boyd, from the Friends of the People, in Kilmarnock, to repreſent them in this Convention, was read and ſuſtained."

"An amendment was propoſed by way of ſubſtitute to Citizen Scot's reſolutions, as was alſo another reſolution, by way of ſubſtitution to ſame, was offered by Citizen Margarot, and read."

"After ſome converſation the Convention, upon a motion by the Secretary, agreed to refer the motion, with amendments, to the mover, the amenders, together with Citizens Brown, Gerrald, and Callender, and appointed them to report againſt Saturday firſt, at the furtheſt."

"Read the following motion by Citizen Callender:

"Reſolved, that the following declaration and reſolutions be inſerted at the end of our minutes:

"That this Convention, conſidering the calamitous conſequences of any act of the Legiſlature which may tend to deprive the whole, or any part of the people, of their undoubted right to meet, either by themſelves, or by delegation, to diſcuſs any matter relative to their common intereſt, whether of a public or private nature, and holding the ſame to be totally inconſiſtent with the firſt principles and ſafety of ſociety, and alſo ſubverſive of our known and acknowledged conſtitutional liberties, do hereby declare, before God and the world, that we ſhall follow the wholeſome example of former times, by paying no regard to any act which ſhall militate againſt the Conſtitution of our country, and ſhall continue to aſſemble and conſider of the beſt means by which we can accompliſh a real repreſentation of the people, and annual election, until compelled to deſiſt by ſuperior force."

"And we do reſolve,

"That the firſt notice given for the introduction of a Convention Bill, or any bill of a ſimilar tendency to that paſſed in Ireland, in the laſt ſeſſion of their parliament, or any bill for the ſuſpenſion of the Habeas Corpus Act, or the "Act for pre-"venting wrongous impriſonment, and againſt undue delays in "trials in North Britain;" or in caſe of an invaſion, or the admiſſion of any foreign troops whatſoever into Great Britain or Ireland,

Ireland, all, or any one of theſe calamitous circumſtances, ſhall be a ſignal to the ſeveral delegates to repair to ſuch place as the Secret Committee of this Convention ſhall appoint; and the firſt ſeven members ſhall have power to declare the ſittings permanent, and twenty-one ſhall conſtitute a Convention, and proceed to buſineſs."

"The Convention doth therefore reſolve, That each delegate, immediately on his return home, do convene his conſtituents, and explain to them the neceſſity of electing a delegate, or delegates, and of eſtabliſhing a fund, without delay, againſt any of theſe emergencies, for his or their expence; and that they do inſtruct the ſaid delegate, or delegates, to hold themſelves ready to depart at one hour's warning."

"EDINBURGH, NOV. 6, 1793."

"GENERAL COMMITTEE."

"Citizen Urquhart in the Chair."

"It was moved, that ſtrangers, who often attended the ſocieties, and who never came forward to ſubſcribe the books, ſhould be called in queſtion, and aſked their reaſons.—It was agreed for the Secretary to go round, and collect the names of the ſtrangers."

"Citizen Hamilton Rowan, Simon Butler, from Ireland, Margarot, Sinclair, and Gerrald, from London, were introduced, and received with acclamations."

"The Secretary read the minutes of laſt committee."

"The Secretary ſtated, that, in conſequence of the delegates from London having arrived too late for the Convention, he, with advice, had recalled the delegates from the country, and appointed the 19th of this month to be the firſt day of meeting."

"Citizen Margarot, from London, ſtated to the committee, that 500 conſtables attended their meeting in London, in order to apprehend them, when ſending delegates to this country.—They overcame that obſtacle.—But a journey of 400 miles is not a journey of a moment.—They arrived the day after.—The Convention

Convention hoped that the recalling the delegates would ſtrike terror in our enemies, and while we behaved according to the laws of the country, we did not need to be afraid."

"Citizen Buchanan moved, that the delegates from London ſhould tell the ſituation of their ſociety."

"Citizen Margarot anſwered, that the ſocieties in London were very numerous, though ſometimes fluctuating.—In ſome parts of England whole towns are reformers.—Sheffield, and environs, there are 50,000.—In Norwich there are 30 ſocieties in one.—If we could get a Convention of England and Scotland called, we might repreſent ſix or ſeven hundred thouſand males, which is a majority of all the adults in the kingdom, and Miniſtry would not dare to refuſe us our rights."

"Citizen Butler ſaid, he did not know how far he was at liberty to ſay any thing, as he was not a delegate, but he would give an account of Ireland: the executive part of the government were almoſt omnipotent—the landed intereſt is almoſt ariſtocratic—the manufacturer idle—laſt parliament was expected to have given Ireland emancipation—however that proſpect was flattering, a few weeks changed the ſcene—an infamous coalition took place between the Oppoſition and Miniſtry—the catholics retired with what they had got—no longer oppoſed by them, the Government turned their oppreſſive meaſures againſt the friends of reform—the united Iriſhmen were proſecuted—he himſelf had experienced ſix months impriſonment—Belfaſt was declared to be in a ſtate of rebellion—though Freedom was not cried up in the ſtreets, yet it dwelt in almoſt every heart.—Univerſal emancipation was the meaſure for which he was an advocate.—All that he knew of this country was, that the firſt day his friend was in Edinburgh, he was arreſted for nothing that he knew, except it was for being ſo wicked as to come here.—In Scotland they yet met in Convention—in Ireland the Parliament had enacted laws againſt it.—When a law like that ſhould take place here, he was afraid Freedom would vaniſh."

"Mr. Callender ſaid, that he hoped thoſe that would paſs ſuch an act of parliament, ſhould be forced to eat it, and hoped that Scotland and England ſhould not ſubmit to it."

"Citizen

"Citizen Gerrald ſaid, that he came here armed with the power of delegation.—If our neighbour's houſe is on fire, the greater ſhould be our vigilance to prevent the flames ſeizing our own.—A parchment piece of juſtice had been preſented in Ireland;—he hoped that, if ever it was paſſed here, we ſhould throw it in the face of our oppreſſors."

"Every thing the people had gained, had been through Conventions:—the revolution was the conſequence of a Convention—the revolution eſtabliſhed, that truſt abuſed was revocable—the revolution excluded all placemen and penſioners.—Do we enjoy any benefit from that act? It made Miniſters reſponſible. How many bad Miniſters have we ſeen go down to the grave in peace, and honoured with all the dignities a King can confer?—Union would carry our principles into execution.—A citizen from Ireland, told you, that as ſoon as the alarm bell was rung, the Oppoſition joined the Miniſter.—Party is ever a bird of prey, and the people their banquet."

"The Secretary read the circular letter he intended to ſend to the delegates."

Citizen Scott read a letter, addreſſed to the Secretary, approving his conduct in calling the new Convention."

"Mr. Buchanan adviſed the Secretary to add to the circular letter to the delegates, that they ſhould make up their minds upon what addreſs they would give to the public."

"The Secretary ſtated to the meeting, that an order had come down for removing the convicts, but to what place, or when, it was not known; he thought that it was meant to raiſe a tumult, by which our Convention might be ſtopped.—He, therefore, read a hand-bill to be diſtributed among the people, to keep them on their guard."

"Mr. Wright, Mr. Aitchiſon, and Mr. Scott, were againſt the motion.—Mr. Scott ſaid, that Mr. Muir ſuffered with a magnanimity that required our admiration;—he begged to call their attention to a motion which was made for a ſubſcription for Mr. Muir—he has ſuffered in our cauſe—we owed him a mark of our eſteem—he hoped the greateſt of all ties, gratitude, would ſtimulate our exertions."

"The

" The following committee is appointed to carry into effect a ſubſcription for Citizens Muir and Palmer:

" Mr. Skirving, Binny, Callender, Moffat, Urquhart, and Scott."

" A Citizen Member moved, that we ſhould approve of the delegation from London, and teſtify our readineſs to co-operate with them in our great undertaking."

" A collection was drawn for the uſe of the meeting.—One pound was collected."

" The thanks of the meeting was given to the delegates from London and Ireland."

" Citizen Sinclair ſaid, that they did not come here for thanks, but to merit them; he ſaid, that it was unanimity that could enſure our ſucceſs; let us then perſevere."

" Mr. Hamilton Rowan ſaid, that * * * * * * * * * * * * * "

" The Chairman returned, in a moſt ſenſible and animated ſpeech, the thanks of the Convention to the delegates from England, and the friends from Ireland.—He ſaid, May a ſenſe of duty pervade the breaſt of every man—not the diſtinction of Scotſman or Engliſhman, but, as men, exert all our abilities in the great cauſe."

" Citizen Butler ſaid, that the thanks of the virtuous muſt always be felt by the Friends of Freedom."

" Citizen Margarot did not riſe, as a delegate from London, to expreſs his acknowledgement of thanks, but wiſhed to know what was the nature of the preſent ſociety.—The Secretary gave the information."

" It was moved, and agreed to, that the Hon. Simon Butler and A. Hamilton Rowan ſhould be admitted."

" Citizen Butler ſaid, that he had, in his own ſociety, taken a teſt to be ſteady in the cauſe of reform.—It was a teſt engraved on his heart, and which he would carry to his grave."

" It wasa greed, that the powers of the delegates of our Convention continue until another Convention is called."

Mr.

Mr. John Gurnell. I found theſe papers in the priſoner's houſe.

They were read.

" *Edinburgh, Dec.* 8, 1793.

" FELLOW CITIZEN,

" We deſire that a copy of the incloſed papers be kept by the " Society, and that another copy of them be delivered without de- " lay to Citizen Martin, in order that he may proceed thereupon " immediately.

" You will already have had confuſed accounts of what has " taken place here for the laſt four days, but on Tueſday next the " Edinburgh Gazetteer ſhall (if deſpotiſm permit) give you a " complete detail of every thing; the Society will thereby be able to " diſcover, that our arrival in Scotland has been productive of " great advantage to the cauſe, and at the ſame time has given " great alarm to our enemies. We are very much ſurpriſed at the " remiſſneſs of the Society, while we are expoſing our life and " liberty, while we are devoting our time and our exertions to " their ſervice, while we are incurring numberleſs expences, and " affronting dangers which would ſtagger the moſt hardy of them; " while we are doing all this, we are moreover obliged to remind " them of it, and that ſupplies are now become more neceſſary " than ever. Surely, the pecuniary exertions of any individual in " the Society can never be compared to our endeavours; honoured " with their confidence, we find ourſelves happy in being placed in " the front of the battle; but let them remember that our ſacri- " ficing ourſelves will be of little uſe, unleſs they afford us a pro- " per ſupport, and that moſt immediately. Not daring any longer " to truſt to the poſt, we ſend you all theſe papers in a parcel; you " will be ſo good as to make us acquainted with their ſafe arrival. " Gerald wiſhes to get to London as ſoon as poſſible: he will com- " municate that which cannot be ſo fully expreſſed by letter; you " may conſider this as a private letter, but you may read ſuch parts " of it, as you think proper, to any member of the Society, eſpe- " cially where it may be productive of Good. You will ſee by the " incloſed papers, that power has proceeded in a moſt arbitrary " manner; almoſt all the prominent characters in the Convention " have been, or are to be, apprehended and examined. Lord Daer

" will,

" will, we believe, meet with no greater favour than ourſelves; " we underſtand that there is a warrant out againſt him. As an " account of what has happened to us would exceed the bounds of " a letter, we will only juſt give you a ſketch of it, by way of " journal, referring you, as we ſaid before, to next Tueſday's " Gazetteer.

" Thurſday morning at ſeven o'clock, a Sheriff's Officer, fol- " lowed by five other men, entered our bed-room, informed us he " had a warrant (which, ho wever, he refuſed to ſhew) for appre- " hending us, and ſeizing our papers. We remained confined all " day; at night we were examined and admitted to bail, each in " the ſum of two thouſand Merks.

" Friday morning at nine o'clock, we were ſent for again with- " out a warrant, for the purpoſe of being preſent at the opening of " a ſmall trunk, containing our papers; but M. M. proteſting " againſt the illegality of the whole of the proceedings, and refuſing " to give up the key, the Sheriff Subſtitute, and the Procurator " Fiſcal dared to proceed no farther in the buſineſs.

" Saturday morning at nine o'clock, two meſſengers came again " into our room with Gerrald; they left a ſummons to appear at " ten o'clock with M. M.; they left nothing but a requeſt to ac- " company Gerrald to the office, yet when arrived there, he found " that a warrant was iſſued againſt him, for the purpoſe of detain- " ing him a priſoner. While the box was opened, and the papers " examined, M. M. ſtill perſiſting in his refuſal, the key was forced " f. om him, the trunk was opened, the papers examined, and part- " ly reſtored; the other part was kept, and a declaration drawn " up which he was required to ſign, but refuſed, proteſting againſt " the whole of the buſineſs. Gerrald, however, ſigned what was " drawn up in his name, and we were once more liberated; and " ſince then, now already twenty-four hours, no further perſecu- " tion has been commenced againſt us; but while we, as individu- " als, were thus harraſſed, (Thurſday) the whole of the Convention " were equally ill uſed; many of them were taken into cuſtody, " and when the remainder met as uſual, the Provoſt, attended by " his myrmidons, went, and after pulling Matthew Campbell " Browne, of Sheffield, out of the chair, ordered the Convention to

" diſperſe,

" diſperſe, and informed them that he would allow no ſuch meet-
" ings in future. (Friday) the next day, the Convention having
" agreed to meet at another place, out of the juriſdiction of the
" Provoſt; we had not been long aſſembled before the Sheriff,
" with his myrmidons, appeared among us, and commanded us to
" depart; after having aſked whether that meeting was the Britiſh
" Convention, and being anſwered in the affirmative, he next en-
" quired who was preſident, upon which M. M. having openly
" aſked, and obtained leave of the Convention, placed himſelf in
" the chair; informed the Sheriff that he, M. M. was then Preſident
" of the Britiſh Convention, and that he would not break up the
" meeting unleſs unconſtitutionally forced thereunto by the She-
" riffs pulling him out of the chair; which the latter (after ſome
" little heſitation) having complied with, the Ex-preſident, (Ger-
" rald) was alſo put into the Chair, which he would not leave
" but by being pulled out; adjourned the Convention to the place
" where it was to become permanent in its ſitting, and having
" called upon his colleague Gerrald, for to cloſe the meeting with
" prayer, the company departed peaceably, but not without vari-
" ous reflections on the proceedings, and thoſe reflections not
" confined merely to the Members of the Convention, but com-
" ing alſo from the crowd without doors, and even from the at-
" tending conſtables. The next day a proclamation was iſſued by
" the Provoſt, forbidding all aſſembling within the limits of his
" juriſdiction. We know not what will happen, but we venture
" to predict that all this perſecution will increaſe rather than di-
" miniſh the ardour of the people for Reform. The country
" Societies hearing of this, are hourly pouring in freſh Delegates.
" Want of paper forbids my writing any more.

" Adieu! yours,
" M. M."

" *Edinburgh, December* 19, 1793.

" FELLOW CITIZENS,

" It is impoſſible for us to find time to write you as we ought;
" every inſtant we are interrupted, or rather the Houſe is not free
" from viſitors from early hour until twelve at night, and we have
" beſides ſuch a variety of buſineſs upon our hands that we can
" ſcarcely make any progreſs. However, as Sinclair, the Dele-
" gate

" gate of the Society for Conſtitutional information, will arrive
" in town as ſoon as this letter, he will be able to give you an
" accurate verbal detail of all the infamous proceedings which
" have taken place here—of the progreſs of Reform, and of the
" plans for future operations. My colleague Gerrald alſo propoſes
" to leave this place the latter end of this, or the beginning of
" next week. He will explain himſelf to you. Pray ſend him
" money for his journey, &c. He is now gone to Perth on very
" urgent buſineſs. Excuſe me from entering into any detail at
" preſent. We have to acknowledge your two laſt letters; they
" came ſafe, but ſlow, being delivered only five days after their
" date, where the delay originated we cannot tell—your firſt
" gave us a draft for twelve guineas; and your ſecond encloſed a
" ten pound note, both very acceptable; but we are ſorry to add,
" that they do not clear our expences. Expences which are no
" ways owing to extravagancy but to abſolute neceſſity, and are
" extremely profitable to the cauſe itſelf. We well know how
" heavy the burthen is on the Society; and we grieve that our
" former ſacrifices ſhould have left us little elſe to offer other than
" our perſonal exertions. We feel as we ought the approbation
" you beſtow on our conduct; and we flatter ourſelves, that our
" future behaviour will give you no reaſon to think your praiſe
" prematurely beſtowed. Since Sinclair's departure nothing new
" has occurred, excepting the formation of a Society ſome where
" about the Grampion Hills; they have already got the intelli-
" gence that the Convention mean to enlighten the Highlands;
" and they teſtify their gratitude for our remembrance and our
" exertions, and have already made a ſubſcription towards it.—
" Again interrupted, and likely to loſe the poſt, unleſs I diſpatch
" this immediately. Believe me Fellow-Citizens, yours unto
" death.

" MAURICE MARGAROT."

" Pray, my worthy friend Hardy, did you ſome weeks back
" receive an encloſed letter to Preval? Did you likewiſe receive
" the papers and parcel ſent you by the Charlotte, on Wedneſday
" the 10th inſtant? Have you done any thing with that piece of

 " paper?

" paper? Have you written to Norwich; and have they anſwered
" you?—I have ſent them news regularly, but have not received a
" ſingle letter from them. Send them ſome freſh mode of direct-
" ing to me, or elſe let them ſend their letters to you firſt.—Pray
" queſtion Sinclair moſt particularly—vale & amor."

Addreſſed

" *Mr. Thomas Hardy*, No. 9, *Piccadilly*."

Mr. Thomas Maclean, I found theſe two papers in the poſſeſſion of Mr. Adams.

Alexander Grant ſaid he believed them to be the priſoner's hand-writing.

They were read.

" *London*, *January* 10, 1794.

" CITIZEN ADAMS,

" The London Correſponding Society begs the Society for
" Conſtitutional Information to accept of a few copies of M.
" Margarot's indictment.

" THOMAS HARDY, Secretary.

" P. S. The London Correſponding Society is to have a Gene-
" ral Meeting, and anniverſary dinner on Monday the 20th inſtant
" at the Globe Tavern, Strand."

Addreſſed

" *Citizen Adams*, *Secretary to the Society for Conſtitutional Infor-*
" *mation.*

" *London*, *January* 11*th*, 1794.

" FELLOW CITIZENS,

" I have juſt received a letter from Citizen Margarot at Edin-
" burgh, with ſome of the Edinburgh Gazetteers, where you will
" ſee that Citizen Skirving is found guilty, and ſentenced for four-
" teen years tranſportation to Botany Bay. Margarot's trial
" comes next, he meets it with great firmneſs and reſolution. I
" have no time to make my comments on the proceedings, but I
" think our opponents are cutting their own throats as faſt as they
" can. Now is the time for us to do ſomething worthy of men,
" the brave defenders of Liberty, South of the Engliſh Channel;

" are

" are performing wonders, driving their enemies before them like " chaff before the whirlwind. Margarot tells me that he has not time " to write to you juſt now, but he hopes to have time very ſoon, " when his trial is over, and immured in a priſon. The London " Correſponding Society is to have a General Meeting and an " anniverſary dinner on Monday the 20th inſtant at the Globe Ta- " vern, Strand. I have ſent you ſome of Margarot's and Skirving's " indictment, with two copies of a pamphlet on brewing, he is a " member of our Society the author, if you approve of it you may " put it in practice, and be a great ſaving to many families, alſo a " diminution of the Revenue, for every one brewing their own " beer pay no duty for it, excuſe haſte, I ſtill remain, &c.

(Signed) " *THO. HARDY.*"

James Davidſon. (Sworn.)

Examined by Mr. Garrow.

Q. I believe you are a Printer by buſineſs?

A. Yes.

Q. Was you employed at any time to print a number of theſe papers?

A. Yes.

Q. When was you employed?

A. I believe it was the 20th of February laſt.

Q. By whom was you employed?

A. Thelwall brought me the manuſcript.

Q. Was any body with him when he came with it?

A. Yes, there was, but I do not recollect who.

Q. Were there more perſons than one?

A. No.

Q. What orders did he give you reſpecting it?

A. He deſired me to print off——

Mr. Erſkine. Is this *evidence?*

Mr. Garrow. We ſubmit that it is.

Mr. Erſkine. Then I object to it, what Mr. Thelwall ſaid is no evidence againſt Mr. Hardy.

Mr. Garrow. I ſubmit to your Lordſhips that it is the cleareſt evidence in the world after that which your Lordſhips and the

Jury have already heard. We have proved by a great variety of evidence, much of it under the hand and ſignature of the priſoner now at your Lordſhip's bar, much by papers found in his cuſtody at the time of his apprehenſion, a clear connection and conſpiracy upon the ſubject of this High Treaſon between Mr. Thelwall and the priſoner. We therefore ſubmit to your Lordſhips with confidence, but with deference undoubtedly, that all the acts of Mr. Thelwall, or any other perſon againſt whom we have given evidence, fit to be ſubmitted to the Jury of their acceſſion to the general plan of the conſpiracy, is clearly evidence againſt every man charged with that conſpiracy, this therefore is an act of Mr. Thelwall's; it is hardly worth diſcuſſing in this inſtance, only that it is as well to do it the firſt time that the objection ariſes; but we have other evidence, ſuch as the Defendant's paying for the printing; but having given evidence of Thelwall and Hardy, being parties to the general conſpiracy alledged as High Treaſon, we have a right to give in evidence any acts of theſe conſpirators relative to that object againſt any of them.

Mr. Erſkine. There is no manner of doubt that upon an indictment for a conſpiracy, be the conſpiracy to do one act, or another act, or be the quality of the act done, when it is done, what it may, that as far as you can connect perſons acting together towards one purpoſe, which purpoſe conſtitutes the crime, you may undoubtedly involve them together by evidence, but that is not the queſtion here. I wiſh to be underſtood that I have no anxiety upon the ſubject, becauſe it is a printed paper, which has been in all our hands, and was yeſterday ſtated at great length by Mr. Attorney General in the courſe of his opening; but it is only that the proceedings may not be embarraſſed in the courſe of them that makes me interpoſe.

Mr. Thelwall gives a paper to this witneſs to be printed, if my friend Mr. Garrow can ſhew that Mr. Hardy afterwards paid for the printing of this paper, then this will be ſo much time loſt; but if that is not before your Lordſhips, as it is not, there may be a difference in the quality of the act, by the proceeding further to the printing a paper; for inſtance, ſuppoſe this paper itſelf contained ſomething criminal, could your Lordſhips

faſten

faſten that crime upon the priſoner, by Mr. Thelwall's having directed this gentleman to print it; the knowing that a paper is printing, and giving an authority to print it is different; ſuppoſing that paper contained Treaſon in itſelf, which I know it does not, that might be miſpriſion of Treaſon, but could not be Treaſon itſelf, therefore I humbly apprehend that in a criminal caſe of this enormous ſize your Lordſhips will not ſtretch the rules of evidence, ſo as to allow it to be aſked of this witneſs, whether Mr. Thelwall did direct him (the priſoner, Mr. Hardy, not being preſent) to print that paper, the nature of which I do not know.

Lord Chief Juſtice Eyre. That is what I was going to obſerve, the inſiſting on one ſide, and objecting on the other, is perfectly premature, for not knowing what the contents of the paper are, the Court cannot judge whether it is a branch of the evidence of the general conſpiracy, or ſomething perſonal with which the priſoner has nothing to do.

Mr. Garrow. I take the liberty of ſtating to the Court, that the ground and foundation upon which I humbly ſubmit to read this paper is, that it is an inſtrument to carry into effect the general High Treaſon charged in this indictment. One ſtage or ſtep of the conſpiracy being a paper to excite the Subjects of this Country to deſert their allegiance, and in defiance of that allegiance to ſet about to call a Convention by force to aſſume the power of the Legiſlature. It is as an inſtrument and a paper to carry that into effect that we deſire to read it.

Mr. Erſkine. Is your Lordſhip to take that from Mr. Garrow's aſſertion.

Lord Chief Juſtice Eyre. It is neceſſary in order for the Court to judge whether it is of the tendency you deſcribe, to open to us that part of the paper which you ſay has that tendency. I have caſt my eye over the paper, and I ſee that there is a paſſage in it which does go to the general object.

Mr. Gibbs. I underſtand the point that Mr. Garrow contends is this, that though Mr. Hardy only is now upon trial, yet becauſe one overt act laid in the indictment is that papers were publiſhed, that for the purpoſe of proving that overt act, part of a

paper delivered by Mr. Thelwall to be printed is to be given in evidence againſt Mr. Hardy.

Mr. Garrow. I ſhall not by any ingenuity of my Friend be drawn into the argument of an abſtract queſtion, I forbore to ſtate the paper left it might be ſaid I was giving the effect of it, I will now ſtate the paſſage which I ſay demonſtrates that it is of that quality. "You may aſk, perhaps, by what means ſhall we ſeek redreſs. We anſwer that men in a ſtate of civilized ſociety are bound to ſeek redreſs of the grievances from the laws as long as any redreſs can be obtained by the laws." "But our common maſter whom we ſerve (whoſe law is a law of Liberty, and whoſe ſervice is perfect freedom) has taught us not to expect to gather grapes from thorns, nor figs from thiſtles. We muſt have redreſs from our own laws, and not from the laws of our plunderers, enemies, and oppreſſors. There is no redreſs for a nation circumſtanced as we are, but in a fair, free, and full repreſentation of the people."

Now we alledge and humbly inſiſt that we have given much evidence to ſhew that the purpoſe of this conſpiracy, which is charged to be High Treaſon, was by force to aſſume the power of legiſlation, in deſpite of the conſtituted authorities of the Country, as they at preſent happily exiſt here, by ſubſtituting a Convention of the people.

Mr. Erſkine. Our objection is merely with regard to this coming from Mr. Thelwall, your Lordſhip will diſpoſe of it as you pleaſe, I have no anxiety about it.

Lord Chief Juſtice Eyre. This purports to be a paper containing a reſolution at a General Meeting of the London Correſponding Society, held at the Globe Tavern, it is brought to the printer by one of the members of that Society, the Priſoner being another member of that Society, acting in that Society as the Secretary, then they being both involved therefore in the proceedings of that Society, and this being a printed paper produced by one of them, it does ſeem to me that in a general charge of a conſpiracy, this is evidence to prove a circumſtance in that conſpiracy, whether it will be ultimately ſo brought home to the priſoner, Hardy, as that he ſhould be reſponſible for

the

the guilt of having publiſhed it, may be another conſideration, but that it is a branch of the conſpiracy, and a circumſtance occurring in it, the import of the paper plainly proves. It does ſeem to me, therefore, that it is admiſſible.

Mr. Garrow. What directions did Mr. Thelwall give you, when he brought you the manuſcript for the purpoſe of printing?

A. He told me to print off two thouſand, and then ſtop.

Q. What was you to do with the two thouſand, when you had printed them?

Mr. Gibbs. Does your Lordſhip think that all the directions which Mr. Thelwall gave, are to be received in evidence?

Lord Chief Juſtice Eyre. Whether it is two thouſand, or what number, cannot be material, it is the publication of an act of this Society.

Mr. Erſkine. Your Lordſhip means that it will have an application to every member of the Correſponding Society.

Lord Chief Juſtice Eyre. It applies to the Society, as far as relates to the general tranſactions of that Society, but as far as it may conſtitute individual guilt, which may be ſeparated from the general guilt of the parties to the general plan, that is another conſideration.

Mr. Garrow. Did you print the number ordered?

A. Not that day.

Q. How ſoon did you print them?

A. I printed two hundred of them that day, and carried them to the Globe Tavern, when I went to the Globe Tavern I met Mr. Hardy on the ſtairs.

Q. Did you know him before?

A. Yes.

Q. Was you a member of the Society yourſelf?

A. Yes.

Q. You had then probably been preſent at ſome of the Meetings of the Society.

A. I was not at that Meeting.

Q. Had you been preſent at any Meetings of the Society before you met Mr. Hardy upon the ſtairs at the Globe Tavern?

A. Not ſome time.

Q. Had you ever ſeen him there?

A. Yes.

Q. In what character did he act at the Meetings?

A. In the character of Secretary.

Q. What paſſed when you met him on the ſtairs?

A. I told him I had brought two hundred copies of the Reſolutions, he deſired me to take them back again, and not diſtribute one of them, accordingly I went home with them, and returned again to the Globe Tavern to dinner.

Q. You ſaid February, do you mean February or January?

A. I am not ſure to the month.

Q. Was it on the day at which the Reſolutions were come to?

A. The day of the Meeting.

Q. At what time of the day was it that you ſaw Mr. Thelwall when he brought you the copy?

A. It was, I believe, between one and two o'clock.

Q. At what time was it that you carried the two hundred copies to the Globe Tavern?

A. Between four and five.

Q. You returned home with theſe two hundred by the direction of Mr. Hardy, and came back to the Globe Tavern to dinner?

A. Yes.

Q. At what time was that?

A. At pretty nigh ſix o'clock.

Q. Were you preſent at the time theſe Reſolutions were propoſed in the Society?

A. No, I was not.

Q. Was it on the day upon which the Reſolutions purport, by Mr. Thelwall's paper to be come to, that you went to the Globe Tavern, or a month after?

A. I had the copy on the 18th, and delivered the two hundred on the 20th.

Q. Look at the paper, and tell us whether it was January or February, is the date correct?

A. Yes.

Q. Then do you believe it was the 18th of January, and not the 18th of February, upon which you had the copy?

A. Yes, I ſee now that it was January.

Q. Have you any doubt of that?

A. None.

Q. When you returned again, was it to a private dinner or a public dinner of the Society?

A. A public dinner, every one paid for his ticket.

Q. Was there any Chairman at the dinner, did you ſee any perſon in the chair?

A. I am not very ſure, I think Mr. Thelwall was in the chair, but I am not ſure.

Q. Was Mr. Hardy there?

A. Yes, he was.

Q. When you returned to dinner, did you carry any copies of the paper you had printed with you?

A. No, I did not.

Q. What did you do with theſe copies afterwards?

A. Somebody was ſent for them to my houſe.

Q. Where from?

A. From the Globe Tavern.

Q. From the Meeting?

A. Yes.

Q. Were they brought to the Meeting?

A. They were.

Q. What was done with them there?

A. I ſaw only one of them.

Q. Where did you ſee that?

A. Somebody handed it round the table, I am ſure I don't know who it was.

Q. How many perſons might there be aſſembled at that Meeting?

A. I dare ſay there were about three hundred or thereabouts, as near as I could gueſs.

Q. How late did you ſtay?

A. Till ten o'clock, or thereabouts.

Q. Did

Q. Did you print any more of them at any time?

A. Yes.

Q. When?

A. I cannot be particular to the time, I printed in the courſe of that week, I believe, a thouſand more.

Q. By whoſe order?

A. Mr. Thelwall's order was to print two thouſand, I completed the two thouſand according to his original order.

Q. What did you do with them when you had printed them?

A. I carried a good many of them to Mr. Hardy's.

Q. What did you do with the reſt?

A. People came for ſome now and then.

Q. What people?

A. Some of the members of the London Correſponding Society came for them.

Q. And did you deliver them as they came for them?

A. Yes, ſome aſked for a dozen, or half a dozen or ſo, and I delivered them.

Q. Did you print any more than the two thouſand which Mr. Thelwall originally ordered?

A. To the beſt of my recollection I printed ſix thouſand more.

Q. By whoſe orders did you print them?

A. I believe Mr. Hardy gave me orders to go on with them till I ſhould be deſired to ſtop.

Q. Was you ever deſired to ſtop, and when?

A. I was deſired to ſtop, I believe, in the month of March.

Q. Did you go on printing them till the month of March?

A. I did now and then occaſionally as they were wanted.

Q. How many thouſand might you print in all?

A. Eight thouſand.

Q. Who paid you for them?

A. They are not paid for yet.

Q. On whoſe credit did you print them, did any body at any time promiſe to pay you for them?

A. No.

Q. Had

Q. Had you any converſation with Mr. Hardy about being paid for them?

A. No, I had no, no further than I put them down to the credit of the Society.

Q. Who deſired you to do that?

A. He did not deſire me, but he, as Treaſurer, was to receive the money, and ſee the debts of the Society paid.

Q. Who was?

A. Mr. Hardy.

Q. Did you make the Society debtor for them?

A. Yes, I did.

Q. Have you printed upon other occaſions for the Society?

A. I have.

Q. Who paid you?

A. Mr. Hardy.

It was read.

"AT A GENERAL MEETING

"OF THE

"*LONDON CORRESPONDING SOCIETY,*

"*Held at the* GLOBE TAVERN, *Strand,*

"*On MONDAY the 20th Day of JANUARY,* 1794.

"CITIZEN JOHN MARTIN, IN THE CHAIR.

"The following ADDRESS to the PEOPLE of *Great Britain* and "*Ireland,* was read and agreed to.

"CITIZENS,

"We find the nation involved in a war, by which, in the courſe "of ONE Campaign, immenſe numbers of our countrymen have "been ſlaughtered; a vaſt expence has been incurred, our Trade, "Commerce and Manufactories, are almoſt deſtroyed, and many "of our Manufacturers and Artiſts are ruined, and their families "ſtarving.

"To add to our affliction, we have reaſon to expect, that "other taxes will ſoon be added to the intolerable load of impoſts

"and

"and impoſitions with which we are already overwhelmed; for "the purpoſe of defraying the expences which have been incur- "red, in a fruitleſs cruſade, to re-eſtabliſh the odious deſpotiſm of "France.

"When we contemplate the principles of this war we confeſs "ourſelves to be unable to approve of it, as a meaſure, either of "juſtice or diſcretion;—and if we are to form our calculation "of the reſult, from what has already paſſed, we can only look "forward to defeat and the eternal diſgrace of the Britiſh name.

"While we are thus engaged in an expenſive and ruinous "and foreign war; our ſtate at home is not leſs deplorable.

"We are every day told, by thoſe perſons who are intereſted "in ſupporting the *Corruption* Liſt, and an innumerable Hoſt of "*Sinecure* Placemen, that the Conſtitution of England, is the "perfection of human wiſdom; that our laws (we ſhould rather "ſay, THEIR laws) are the perfection of juſtice; and that *their* "Adminiſtration of thoſe laws is ſo impartial and ſo ready, as "to afford an equal remedy, both to the rich and to the poor; "by means of which, we are ſaid to be placed in a ſtate of ab- "ſolute freedom, and that our Rights and Liberties are ſo well "ſecured to us as to render all invaſion of them impoſſible.

"When we aſk, how we enjoy theſe tranſcendant privileges; "we are referred to MAGNA CHARTA, and the BILL of "RIGHTS, and the glorious REVOLUTION; in the year "1688, is held out to us, as the bulwark of Britiſh liberty.

"CITIZENS,

"We have referred to *Magna Charta*, to the *Bill of* "*Rights* and to the *Revolution*, and we certainly do find that our "anceſtors did eſtabliſh wiſe and wholeſome laws: But we as "certainly find, that, of the venerable Conſtitution of our an- "ceſtors, hardly a veſtige remains.

"The only Chapters of the Great Charter, which are now "in legal exiſtence, are the 14th and 29th.

"The important proviſion of the 14th Chapter, runs thus:

"A Freeman ſhall not be amerced for a ſmall fault, but after "the manner of the fault; and for a great fault after the great- "neſs thereof, ſaving to him his contenement; and a Merchant "likewiſe,

" likewiſe, ſaving to him his merchandize; And any other's
" villain than ours ſhall be likewiſe amerced, ſaving to him his
" wainage; And none of the ſaid amerciaments ſhall be aſſeſſed,
" but by the oath of honeſt and lawful men of the Vicinage."

" But by the uſurped power of the judges, in aſſeſſing Fines
" (and what Fines!!) in the Caſes of Miſdemeanour; this glori-
" ous Right of the Subject, of having theſe fines aſſeſſed by the
" Jury, (the only poſſible protection from ſlavery and the vileſt
" oppreſſion) is unjuſtly and infamouſly raviſhed from us.

" The proviſion of the 29th chapter, runs thus:

" No Freeman ſhall be taken or impriſoned, or be diſſeiſed of
" his freehold, or liberties, or free cuſtoms, or be outlawed, or
" exiled, or any otherwiſe deſtroyed, nor we will not paſs upon
" him, nor condemn him, but by the lawful judgment of his
" peers, or by the law of the land. We will ſell to no man,
" we will not deny, or defer to any man, either juſtice or
" right."

" The various methods now in conſtant practice by which the
" benefits of this proviſion are totally defeated and deſtroyed,
" might induce us to ſuppoſe, that the GREAT CHARTER
" has been repealed; if we did not aſſuredly know, that it is the
" fundamental baſis of our conſtitution; which even the REAL
" repreſentatives of the people (much leſs the miſerable nominees
" of HELSTONE and OLD SARUM) have not the right,
" nor (as we truſt it will be found by experience) the POWER
" to repeal. Yet what do we find in practice? Unconſtitutional
" and illegal INFORMATIONS EX OFFICIO, that is, the
" arbitrary will of the king's Attorney General, uſurping the
" office of the ACCUSING Jury; and the intereſted oath of a
" vile common informer, with the judgment of as vile a common
" trading or penſioned juſtice, ſubſtituted in the room of our birth-
" right, an impartial trial *by our country*.

" Add to this, that the exhorbitant expence of judicial proceed-
" ings, the novel practice of arbitrarily and repeatedly annulling
" the verdicts of Juries, and the dilatory practice of the courts,
" moſt openly and ſhamefully contradict the clauſe which forbids
" the denial, the delay and the ſale of juſtice.

" A man

"A man accuſed of FELONY (for which by the common law of "England, his life and goods are forfeited) may be bailed on find- "ing two ſureties for forty pounds each; but upon a charge of "MISDEMEANOUR by *words* only, bail to the amount of "ONE THOUSAND POUNDS has been demanded.

"Upon conviction alſo, for ſuch miſdemeanour, enormous fines, "long and cruel impriſonments unknown to our ancient laws, and "unſanctioned by any new ſtatutes, have of late (and but of late) "been too frequently and too oppreſſively inflicted. And all this, "although by this bill of rights it is declared, that "exceſſive bail "ſhall not be demanded, nor cruel and unuſual puniſhments "inflicted."

If we look to IRELAND we find that acknowledged privilege of the people, to meet for the ſupport and protection of their rights and liberties, is attempted, by terror, to be taken "away by a late infamous act of parliament: Whilſt titles of "honour! No, but of diſhonour, are laviſhed; and new ſources "of corruption opened, to gratify the greedy proſtitution of thoſe, "who are the inſtruments of this oppreſſion.

"In SCOTLAND, the Wicked Hand of Power has been "impudently exerted, without even the wretched formality of an "act of Parliament, Magiſtrates have forcibly intruded into the "peaceful and lawful meetings of Freemen; and, by force, (not "only without law, but againſt law) have, under colour of ma- "giſterial office, interrupted their deliberations, and prevented "their aſſociation.

"The wiſdom and good conduct of the BRITISH CON- "VENTION at Edinburgh, has been ſuch, as to defy their "bittereſt enemies to name the law which they have broken; not- "withſtanding which, their papers have been ſeized, and made uſe "of as evidence againſt them, and many virtuous and meritorious "individuals, have been, as cruelly as unjuſtly for their virtuous "actions diſgraced and deſtroyed by infamous and illegal ſentences "of tranſportation. And theſe unjuſt and wicked judgments have "been executed with a rancour and malignity, never before known "in this land; our reſpectable and beloved Fellow-citizens have

"been

" been caſt FETTERED into Dungeons amongſt felons in the " Hulks, to which they were not ſentenced.

" CITIZENS,

" We all approve the ſentiments, and are daily repeating the " words, for which theſe our reſpectable and valuable brethren are " thus unjuſtly and inhumanly ſuffering. We too, aſſociate in " order to obtain a fair, free, and full repreſentation of the people " in a houſe of real national repreſentatives. Are we alſo willing " to be treated as FELONS, for claiming this our inherent right, " which we are determined never to forego but with our lives, and " which none but thieves and traitors can wiſh to withhold from " us? Conſider, it is one and the ſame corrupt and corrupting " influence which at this time domineers in Ireland, Scotland, and " England. Can you believe that thoſe who ſend virtuous Iriſh- " men, and Scotchmen fettered with felons to Botany-Bay, do not " meditate and will not attempt to ſeize the firſt moment to ſend " us after them? Or, if we had not juſt cauſe to apprehend the " ſame inhuman treatment; if, inſtead of the moſt imminent dan- " ger, we were in perfect ſafety from it; ſhould we not diſdain to " enjoy any liberty or privilege whatever, in which our honeſt " Iriſh and Scotch brethren did not equally and as fully participate " with us? Their cauſe then and ours is the ſame. And it is both " our duty and our intereſt to ſtand or fall together. The Iriſh " Parliament and the Scotch judges, actuated by the ſame Engliſh " influence, have brought us directly to the point. There is no " farther ſtep beyond that which they have taken. We are at " iſſue. We muſt now chuſe at once either liberty or ſlavery for " ourſelves and our poſterity. Will you wait till BARRACKS are " erected in every village, and till *ſubſidized* Heſſians and Hano- " verians are upon us?

" You may aſk perhaps, by what means ſhall we ſeek redreſs?

" We anſwer, that men in a ſtate of civilized Society are bound " to ſeek redreſs of the grievances from the laws; as long as any " redreſs can be obtained by the laws. But our common maſter " whom we ſerve (whoſe law is a law of liberty, and whoſe ſervice " is perfect freedom) has taught us not to expect to gather grapes " from thorns, nor figs from thiſtles. We muſt have redreſs from

" our

" our own laws and not from the laws of our plunderers, enemies " and oppreſſors.

" THERE IS NO REDRESS FOR A NATION CIR- " CUMSTANCED AS WE ARE, BUT IN A FAIR, " FREE, AND FULL REPRESENTATION OF THE " PEOPLE.

" RESOLVED, that during the enſuing ſeſſion of parliament, " the General committee of this Society do meet daily, for the pur- " poſe of watching the proceedings of the parliament and of the " adminiſtration of the government of this country. And that " upon the firſt introduction of any bill, or motion inimical to the " liberties of the people, ſuch as, for LANDING FOREIGN " TROOPS IN GREAT-BRITAIN or IRELAND, for " ſuſpending the HABEAS CORPUS ACT, for proclaiming " MARTIAL LAW, OR FOR PREVENTING THE " PEOPLE FROM MEETING IN SOCIETIES for " CONSTITUTIONAL INFORMATION, or any O- " THER INNOVATION of a ſimilar nature, that, on any " of theſe emergencies, the General committee ſhall iſſue ſum- " monſes to the Delegates of each Diviſion, and alſo to the Se- " cretaries of the different Societies affiliated and correſponding " with this Society, forthwith to call a GENERAL CONVEN- " TION of the PEOPLE, to be held at ſuch place and in ſuch " a manner as ſhall be ſpecified in the ſummons, for the purpoſe " of taking ſuch meaſures into their conſideration.

" Reſolved, that the preceding Addreſs and Reſolution be ſigned " by the Chairman, and printed and publiſhed.

" J. MARTIN, CHAIRMAN.
" T. HARDY, SECRETARY."

" *Committee Room, January* 23, 1794.

" RESOLVED UNANIMOUSLY,

" That a hundred thouſand Copies of the Addreſs to the people " of Great Britain and Ireland, voted at the General Meeting, be " printed and diſtributed by the Society.

" *Reſolved*

" *Reſolved Unanimouſly*, That the following toaſts, drank at the " Anniverſary Dinner of the Society, be printed at the end of the " Addreſs.

" I. THE RIGHTS OF MAN; and may Britons never " want ſpirit to aſſert them.

" II. *The Britiſh Convention*, lately held at Edinburgh; and " ſucceſs to the important object it had in view.

" III. *Citizen William Skirving*, charged by the ſentence of the " Court of Juſticiary, with the *honour* of being the cauſe of " calling that Convention.

" IV. *The London Correſponding Society*, and other patriotic " Societies of Great-Britain and Ireland.

" V. *Citizen Maurice Margarot*, the condemned Delegate of " this Society; and may his *manly* and *patriotic* conduct be " rewarded by the attachment of the people.

" Citizen Gerrald then aroſe, and in a ſtream of inſpiring elo- " quence, pronounced the juſt eulogium of this truely valuable " Citizen, ſo emphatically called by *Citizen Aitchinſon* (one of the " witneſſes on his trial) the SECOND SIDNEY. He con- " cluded with wiſhing we might rather *die* the *laſt of Britiſh Free-* " *men* than *live* the *firſt of ſlaves*.

" VI. *Citizen Joſeph Gerrald*, the other Delegate of this So- " ciety, now under proſecution; and may his concluding " ſentiment be engraved upon every Britiſh heart.

" VII. The tranſactions at *Toulon*. May Britons remember " them as they ought, and profit by *dear bought experience*.

" VIII. *Citizen Hamilton Rowan*, and the other *true* patriots of " *Ireland*; and may the authors of the *Convention-bill* find " that they have committed a *bull*.

" IX. *Citizens Muir, and Palmer*—May their ſentence be " ſpeedily reverſed, and *Botany-bay* be peopled with a co- " lony of *real* criminals.

" X. Succeſs to the arms of *Freedom* againſt whomſoever di- " rected; and confuſion to *deſpots* with whomſoever allied.

" XI. All that is *good* in *every conſtitution*; and may we never " be ſuperſtitious enough to reverence in *any* that which is " *good for nothing*.

" XII. *Citizen Thomas Paine*—May his virtue rise superior to
" calumny and suspicion, and his name still be dear to
" Britons.

" XIII. *Lord Loughborough*, the *Earl of Moira*, *Sir Gilbert*
" *Elliot*, and the other apostates from liberty; and may
" they enjoy the profits of their apostacy *so long as they*
" *live.*

" XIV. A speedy and honourable *peace* with the *brave Republic of*
" *France.*

" XV. The *starving manufacturers* and *neglected peasantry* of
" Great Britain and Ireland.

" XVI. *Citizen John Frost*; and a speedy restoration of that
" health which he lost in the dungeons of Newgate

" XVII. The *virtuous and spirited Citizens*, now in confinement
" for matters of *opinion*: and may we shew them by our
" conduct, that they are not forgotten."

Mr. Garrow to *Davidson.* You said you was a Member of the London Corresponding Society; do you know John Martin?

A. Not much. I have only spoke to him two or three times.

Q. Where did you see him?

A. I saw him once in his own house.

Q. Was he a Member of the London Corresponding Society?

A. I am not sure of that—I cannot prove that.

Q. Did you ever see him at any of the meetings of that Society?

A. Yes; I have.

Q. Was he there at the meeting that you have now been speaking of at the Globe Tavern?

A. I saw him there.

Q. That you have told us was a meeting of that Society?

A. Yes.

Q. Was Martin then a Member of that Society?

A. I cannot say whether he was a Member or not.

Q. Did any body attend that were not Members at the meetings of the Society?

A. I do not know.

Q. Upon

Q. Upon your oath did you ever know any perſons attend the meetings of the Society that were not members of the Society?

A. There might be many that were not.

Q. Upon your oath did you ever know any body attend them but the Members? Was the buſineſs that you was with Mr. Martin upon, at his houſe, relative to the London Correſponding Society?

A. It was.

Q. What was its nature?

A. Relative to the latter part of the toaſts and ſentiments printed at the back of that paper.

Q. What paſſed between you and Mr. Martin reſpecting the latter part of the paper?

A. I told him that I thought there were ſome hard words in ſome of the reſolutions and toaſts. He ſaid, No; it was all conſtitutional, and there was no danger could ariſe from it.

Q. Was that between the 18th and 20th, or after the meeting?

A. It was the 21ſt, I believe, which happened on Tueſday.

Q. The day after the meeting?

A. It was either the 21ſt or the 22d.

Q. I do not know whether you printed this.

(Shewing the witneſs a printed paper.)

A. No; I never ſaw it.

One of the Jury. You have not told us yet whether you knew that there was any one individual who attended thoſe meetings that was not a member?

A. There might be.

Juryman. You have poſitively ſaid to the contrary; endeavour to recollect if there were not.

Lord Chief Juſtice Eyre. Do they never admit viſitors?

A. Yes; they do.

Lord Chief Juſtice Eyre. There are viſitors ſpoken of?

A. There were tickets, I underſtand, to be given at the bar to any body that choſe to call for them, or pay for them.

Mr. Garrow. That applies to the dinner at the Globe?

A. Yes.

Q. In the Diviſion Meeting could any perſon who choſe to aſk for a ticket, without being introduced by a member as a viſitor, obtain it?

A. No.

The Rev. *Richard Williams* (ſworn).

Examined by Mr. Garrow.

Q. Do you know Mr. Thelwall?

A. Yes.

Q. Are you acquainted with his manner of writing?

A. Yes.

Q. Look at this, and tell me whether you believe this to be his hand writing (*ſhewing a letter to the witneſs*).

A. I believe the ſignature to be his.

Mr. Garrow. My Lords, I will ſtate the grounds on which we offer this letter as evidence againſt the priſoner. We have already given evidence to prove that Mr. Thelwall was not only a member of the London Correſponding Society, but that in the publication of the reſolutions paſſed at the anniverſary meeting, and their toaſts, he acted as the agent of the Society. I now propoſe to read a letter of Mr. Thelwall's, as a further act of that agency. The letter purports to have contained ſeveral of theſe addreſſes; it purports, and it will appear likewiſe by the proof, to have contained ſeveral ſeditious ſongs, ſtated to have been compoſed and ſung by Mr. Thelwall at that meeting, which we alledge to be another, perhaps a ſubordinate and inferior branch of that conſpiracy which was to bring all the conſtituent authorities in the country into contempt, ſo as to mature the public mind for that great change which we ſtate to have been the ultimate object of the Society. We ſubmit to your Lordſhips, that any act of Mr. Thelwall's, ſo in furtherance of this conſpiracy, is evidence againſt the defendant. It alſo gives an account of the ſtate of the other affiliated Societies in different parts of the world. I cannot ſtate it better than in the language of the letter:—"London is not the only place that is alive: Scotland "is full of liberty boys." Sheffield and many other towns are mentioned as being in a ſtate of expectation for that great cataſtrophe which they all looked to about this period.

Mr. Erſkine. Mr. Thelwall appears to have been an agent for the publication of this addreſs, which turns out to be an act of the Society, and to have ended in a dinner at which theſe toaſts were drank. But the difficulty with me is this: if they could ſhew that ſongs were actually ſung at this meeting, which ſongs were indecent, or that they, in your Lordſhip's mind, or the opinion of the Jury, bear at all upon this caſe, I ſhould not object in the ſmalleſt degree to theſe ſongs being read; but I very much doubt whether any account by Mr. Thelwall of theſe ſongs having been ſung, can be evidence againſt Mr. Hardy. What an agent does is one thing, what an agent ſays has been done is quite another thing; nor will the conſtruction which Mr. Thelwall may put upon theſe be at all evidence againſt Mr. Hardy.

Mr. Thelwall may, notwithſtanding he acts for theſe Societies, have ſome view of his own; not that I impute any ſuch to him, becauſe I am of Counſel for him in the Indictment that will be afterwards tried againſt him; but A, B, C, D, E, F,—all the letters of the alphabet may meet for objects which they may all league in and be connected together, and if criminal, all criminal. But a declaration of one man, ſuppoſing he drives at any particular object, and he makes uſe of any particular language to expreſs his mind with regard to that object, cannot, I humbly ſubmit, be evidence againſt the priſoner. As far forth moſt undoubtedly as all the acts of the Society are given in evidence, as far forth as any thing has been ſaid in the preſence of Mr. Hardy at meetings he attended, all theſe are evidence againſt him, and ſo is every thing that Mr. Thelwall does in this partial agency; for Mr. Garrow has not eſtabliſhed him to be the univerſal agent of Mr. Hardy, but only has proved him to be the agent for procuring the printing of a particular paper.

Mr. Gibbs. We can have no anxiety to reſiſt the evidence that is now offered, except that if it be received we know not where it may end. The queſtion which your Lordſhips and the Jury are now to try, is, whether Mr. Hardy has compaſſed the King's death, and whether he has done any of the acts charged in the indictment as overt acts in the proſecution of that deſign. The evidence offered now to your Lordſhips to prove this, is, that

Mr. Thelwall, who is charged in the indictment to have partaken in the ſame conſpiracies that are alledged againſt Mr. Hardy, that Mr. Thelwall, not by any communication with Mr. Hardy, not in conſequence of any preconceived ſcheme between him and Mr. Hardy, did write this letter.

Now with reſpect to any thing that paſſed at the meeting at which Mr. Hardy was, with reſpect to any thing that was done by any other perſon directed and inſtructed by Mr. Hardy to do that thing, we admit that thoſe things which paſſed at the Society in Mr. Hardy's preſence, and that any thing which was done by another perſon, by the direction of Mr. Hardy, could be evidence againſt Hardy; but to what point in the indictment the letter written by Mr. Thelwall, which it is not proved that Mr. Hardy ever had any knowledge of, is directed, I confeſs I cannot ſee.

The three queſtions are, firſt, Whether Mr. Hardy compaſſed the King's death; ſecond, Whether he committed any of the acts which are ſtated as overt acts; and, third, Whether he committed them in the proſecution of a deſign upon the King's life. I take it, that a letter written by Thelwall, without the knowledge of Hardy, cannot be evidence of the act of Hardy's mind, namely, compaſſing the King's death; therefore, it cannot be evidence upon the firſt ground.

With reſpect to the exiſtence of the acts that are laid as overt acts, they muſt be proved ſpecifically upon all the priſoners in the indictment. The preſent trial is only of Mr. Hardy. The preſent queſtion is, Whether he did any of theſe acts. Then the declaration of another man, whether by word of mouth or by letter, cannot prove the fact upon Mr. Hardy.

Then, ſuppoſe the acts proved, the third thing to be proved is, that the act was done in the proſecution of a deſign upon the King's life; then, nothing that is ſaid, written, or done by a third perſon, without the authority of Mr. Hardy, can prove that Mr. Hardy meant to produce the effect which it is imputed to him he meant to produce; namely, the deſtruction of the King. Therefore I ſubmit, that this letter written by Mr. Thelwall does not appear to conduce to the proof of either of the three things imputed

imputed by this indictment; namely, That he compaſſed the King's death; that he in point of fact committed any of the acts ſtated in the indictment as overt acts of that deſign; or ſuppoſing that he committed them, that any of theſe acts were directed to the deſign of compaſſing the King's death. I ſubmit, that upon neither of theſe grounds is this letter admiſſible againſt Mr. Hardy, and therefore ought not to be received in evidence. I wiſh to repeat, that it is not from any anxiety we feel with reſpect to this letter, but becauſe we wiſh that a rule ſhould not be eſtabliſhed in a caſe upon perhaps indifferent points, as a precedent for others that may operate materially in the cauſe.

Lord Chief Baron Macdonald. To whom is the letter addreſſed?

Mr. Garrow. To a perſon of the name of Vellam.

It certainly is not in my power to judge of the anxiety of my learned friends about the conſequences of producing this letter, except as that anxiety induces them to object to its being read. It appears, that they are apprehenſive of the effect and tendency of this letter, becauſe they have made all the obſervations that occurred to them on the effect and tendency of this letter; and I am ſure they will do me the juſtice to believe, that I mean no offence to them when I ſay I cannot diſcern any thing that is not juſtly to be deſcribed to be argument upon the effect and tendency of the letter, which is argument to be addreſſed to the Jury. We conceive it is fit to be received in evidence, in order to convince the Jury that this was done as a part of the agency of Thelwall. But if we are not able to make it out in that way, we inſiſt that the publiſhing by a larger circle that which was ordered to be printed for general publication, is clear evidence, that being in furtherance of the general conſpiracy.

My friends ſeem to ſuppoſe that they can limit the acts of thoſe who are not at preſent at the bar, for conſideration to things done either by themſelves or their expreſs order. We are very much miſtaken if that be the rule of law. We humbly apprehend, that without previous concert as to the particular fact done by A. A. not being then upon his trial, if B. ſhould have done

done the act, having been proved before to be a party to the general conſpiracy to be carried into effect by divers means and various inſtruments, that it is fit to receive evidence of the acts of all the parties to that conſpiracy, in furtherance of that general deſign; for inſtance, it is not required that, in order to give evidence, that a conſpirator hired his horſe at a particular place, the hiring of which would connect him with the general conſpiracy, the ground having been made, it is not neceſſary to ſhew that he, to the perſon then trying, had communicated that he meant to go there to hire a horſe; but the fact of his having done it is an acceſſion to the general purpoſes of the conſpiracy. All the acts of theſe perſons, limiting it to the objects of the conſpiracy, not extending it to crimes of another dye or character, but in furtherance of the general deſign of the grand conſpiracy, we inſiſt, coming from whom they may, whether it be the party upon trial, whether it be in conſequence of the orders given by him, whether communicated before or after, are evidence receivable, ſubject undoubtedly to the obſervations to be made upon their greater or leſſer effect.

Lord Chief Juſtice Eyre. I confeſs I have great doubt myſelf whether this evidence ought to be admitted. I agree, that where ſeveral perſons are proved to be engaged in one general conſpiracy, that all the tranſactions of that conſpiracy by the different parties, may and ought to be given in evidence; and it is enough if the party accuſed at this time can be proved to be privy to that general conſpiracy; for if that is proved, every thing that is done by the different parties concerned in it, muſt be alſo imputed to him as a part of the tranſaction of that conſpiracy. If I underſtand this letter, it is nothing more than Mr. Thelwall's account to a private friend, of a part which he had taken reſpecting this paper, and of his having compoſed ſongs. And I remember another paſſage in it, which is very material as againſt Thelwall, but, in my mind, ſhould be reſerved till it comes to the time when Thelwall's own declarations come to be proper evidence.

I doubt whether we ought to conſider this private letter as any thing more than Mr. Thelwall's declaration; and Thelwall's declaration

declaration ought not to be evidence of any thing which, though remotely connected with this plot, yet ſtill does not amount to any tranſaction done in the courſe of the plot, for the furtherance of the plot, but is a mere recital of his, a ſort of confeſſion of his of ſome part that he had taken. It appears to me, that that is not like the evidence which we before admitted of a fact done by Mr. Thelwall in carrying the papers and delivering them to the printer, which is a part of the tranſaction itſelf. His account of that tranſaction ſeems to me to ſtand quite upon a different footing. It ſeems juſt the ſame as an act which ſhall bind a man, becauſe he is connected with the perſon that did the act; and his declaration, which ſhall not bind him, becauſe it is no part of the act.

Mr. Garrow. He ſays, "You will alſo receive encloſed ſeveral copies of Addreſſes publiſhed by the Society." It is upon that ground I ſubmit it to your Lordſhip.

Lord Chief Juſtice Eyre. To be ſure, as far as the tranſmiſſion of theſe papers go, it does ſtand upon another footing; but I ſhould be ſorry if the letter was to be read for ſo immaterial a purpoſe, as that is only to introduce ſomething which in my mind ought not to be evidence in this caſe.

Mr. Juſtice Buller. I am ſtrongly inclined to think, that this letter is evidence, and ought to be received. There are two things to be conſidered in an indictment of this ſort. Firſt, Whether any conſpiracy exiſts; next, What ſhare the Priſoner took in that conſpiracy.

It appears to me, that when we are conſidering the firſt queſtion, any thing that paſſed from any perſon who is proved to be a party in the conſpiracy ought to be received as evidence, and it is received for the purpoſe of ſhewing what was the extent and nature of the conſpiracy. Now if the caſe ſtood merely upon this ground, that Thelwall, one of the conſpirators, had ſaid their object was ſo and ſo, that, I take it, would be evidence; it has been admitted, I conceive, in a variety of caſes that have happened upon ſimilar queſtions with the preſent. In Damaree and Purchaſe's caſe, evidence was received of what ſome of the parties had done when the Priſoner was not there. The Attorney General

General ſays, I call this witneſs, not to ſpeak in particular to the Priſoner, but to ſhew the intention of the mob. On the trial of Lord Southampton, ſomething ſaid by Lord Eſſex, previous to the Priſoner's being there, was admitted as evidence. In the caſes that have happened in our own time, in Lord George Gordon's caſe, evidence of what different perſons of the mob had ſaid, though he was not there, was admitted. In all the caſes at St. Margaret's Hill, the ſame thing was admitted, and with a view of ſhewing what was the deſign then on foot, which is a very diſtinct queſtion from the queſtion of whether the Priſoner was or not concerned to the extent that others might have been. As Mr. Garrow ſtates this letter, it ſeems to me to have that effect, for it ſhews what ſome of the parties at leaſt intended by meetings they had held, and what they propoſed to effect. In that light, therefore, it ſeems to me to be evidence. But before it can affect the Priſoner materially, it is neceſſary to make out another point, namely, that he conſented to the extent that the others did; but ſtill, while we are upon the queſtion as to the deſign, it appears to me that any thing that has been ſaid, ſtill more any thing that has been written by the conſpirators, ought to be received in evidence, to prove what that deſign was.

Mr. Juſtice Groſe. I muſt confeſs, I have very great doubts upon this ſubject. The majority of the Court is for rejecting the evidence. It does ſeem to me, I muſt confeſs, at leaſt very doubtful whether it ought to be rejected; for it appears to me, that this is evidence of what the parties meant by what was done at a place where both theſe parties were preſent, and both Members of one Society, and profeſſedly concerned in one plan; it is therefore very material to hear what either of them ſays reſpecting this plan, for there is no doubt about it that theſe papers are reſpecting this plan, to ſhew the extent of the plan, and the intention, the animus with which theſe people met, and were publiſhing theſe papers; therefore, in that light, I muſt confeſs, what my Brother Buller has ſaid has ſtruck me very much. But, excluſive of that, from the beginning the inclination of my opinion was and is, that it is evidence.

Lord

Lord Chief Baron Macdonald. It is certainly a cafe that has a great deal of doubt attending it; but at the ſame time I can hardly bring my own mind to conſider this as falling within Mr. Garrow's own definition. It muſt be ſomething in furtherance of the conſpiracy. I agree, that any act done by one, is, to a certain extent, imputable to another; that is, it may be given in evidence to ſhew the general conſpiracy in which he was engaged; but an act done, appears to me to be different from the mere relation of it by another perſon, a mere relation of what paſſed given by one in a private letter to another. I have much doubt whether it is evidence that ought to be received. I am, myſelf, inclined to reject it.

Mr. Baron Hotham. I am of the ſame opinion as my Lord Chief Juſtice and my Lord Chief Baron. I do not think this is evidence fit to be received. I do not think it is a part of the tranſaction of the plan to be carried into execution. I conſider it as a mere relation of what has paſſed, which, if it is to affect the priſoner, ought to be confined to the real fact that happened at the time to which this relation alludes. However, there is no evidence to prove that what is ſtated for a fact in this letter, by which the Priſoner is to be implicated, actually did happen.

Lord Chief Juſtice Eyre. After having heard my Lord Chief Baron and my brothers upon it, I really am of opinion that it is too queſtionable to be received as evidence, except upon the ground laſt ſtated by Mr. Garrow, upon which if he inſiſts on it, it muſt be received.

Mr. Garrow. Certainly not.

Lord Chief Juſtice Eyre. In the caſes of Damaree and Lord George Gordon, the cry of the mob at the time made a part of the fact, of the tranſaction, therefore I have no doubt that ſuch evidence ought to be received; but I confeſs I have ſo great a doubt upon the admiſſibility of this letter, that I prefer rejecting it.

Mr. Solicitor General. My Lord, I ſhould have no idea of preſſing this, but merely with a view to ſimilar queſtions which may ariſe——

Mr.

Mr. Erſkine. They will be diſcuſſed when they ariſe.

Lord Chief Juſtice Eyre. Correſpondence very often makes a part of the tranſaction, and where correſpondence makes a part of the tranſaction, the correſpondence of one man who is a party in a conſpiracy, would undoubtedly be evidence, correſpondence in furtherance of the plot: a correſpondence of a privare nature, a mere relation of what had been done, appears a different thing.

Mr. Garrow. My Lord, I now propoſe to read a letter upon the principle of its being a correſpondence between one of the perſons proved to have been a party in the conſpiracy, and another perſon at a diſtant part of the kingdom, likewiſe proved to be a party in the conſpiracy: it is a letter from Mr. Martin, after the dinner at the Globe Tavern, to Mr. Margarot, who was at that time in cuſtody in the Tolbooth, at Edinburgh, having been one of the perſons apprehended by the magiſtracy at Edinburgh, as a part of that Britiſh Convention whom the magiſtracy diſperſed. The letter is, in terms, calculated to excite the ſpirit of the brethren of the North: it, likewiſe, contains a declaration of the univerſal approbation of the conduct of thoſe delegates in the North, and it ſtates other circumſtances of a public nature;—the manner in which his Majeſty had met *his* Parliament, as it is ſtated—the manner in which his Majeſty is ſtated by this writer to have been received by the people, and inſulted, and his life endangered, as this writer ſtates it, ſtill going on with a view to excite and encourage them in a diſtant part of the kingdom, by diſſeminating the ſame doctrines, which, in London, theſe people diſſeminated.

Mr. Erſkine. I apprehend that this letter, upon no principle, can be evidence; I ſhall not draw the Court at all into the conſtruction of the ſtatute of King Edward the Third, at this moment; the priſoner is upon his deliverance on the general iſſue, and I ſhall addreſs your Lordſhips and the Jury, upon that ſubject, in due ſeaſon: at preſent, I ſhall content myſelf with ſaying what has been ſaid twice to-day already; firſt in the morning by myſelf, afterwards by my friend who ſits by me, that this is an indictment for compaſſing and imagining the death of the King; and that there are overt-acts ſtated in the indictment, which

which are laid as acts done in purſuance of, and in accompliſhment of—or to uſe the language of the indictment, to fulfil the traitorous intention, which is the charge upon the record.

It is impoſſible for my friends to go further than to contend, by theſe acts, that they involve in themſelves, as they are pleaſed to ſay, a forcible ſubverſion of the government of the country, which would involve in it as a conſequence, the death of the King, and that therefore it is an overt-act, or, in other words, relavant evidence to prove the criminal intention, which is the ſubject matter of this indictment. But your Lordſhips permit, and ought to permit, I allow, any other acts of the priſoner, to be given in evidence, which decypher his mind to the Jury; any expreſſions of his own, any thing that he has ſaid, any thing that he has done, which points directly and relevantly to the purpoſe of this indictment; for I hope your Lordſhips will never ceaſe to recollect, that the crime charged upon the record, is the compaſſing the death of the King, and that the overt-act is the means the defendant is charged to have made uſe of in the accompliſhment of that criminal and deteſtable purpoſe.

Then let us ſee the danger of allowing the letter of a man, who is not charged even upon this record, as a conſpirator with the priſoner at the bar: Mr. Martin has had a bill found againſt him, which of courſe we know nothing of—we only read of it in the newſpapers; but we, who are of Counſel for the priſoner, are Counſel for him as having engaged in a conſpiracy with the other priſoners now in Newgate, and with other perſons to the Jurors unknown, for the purpoſe of accompliſhing this deteſtable purpoſe of deſtroying the King; and your Lordſhips will ſee what a pretty piece of work you are cutting out for yourſelves, if this evidence be admitted. Any thing that Mr. Martin ſays, or writes, can, upon no principle of common ſenſe (to leave law out of the queſtion,) be conſidered as evidence to criminate any body, except as he is a member of the Correſponding Society, which, by the bye, he is not yet proved to be———

Mr. Garrow. Daviſon proved that he was a member.

Mr. Erſkine. We will take Mr. Martin, for argument ſake, to be a member of the Correſponding Society. I ſhall be glad

to

to know upon what principle can your Lordſhips go out of the overt-acts charged in the indictment; upon what principle upon earth can you go beyond evidence of the direct conſpiracy charged upon the defendant, but upon this wholeſome ground, which we do not ſtand here to contradict, namely, that any thing which can decypher the mind of the priſoner to the Jury, from whence they can collect that he intended the death of the King, may be evidence againſt him; then, according to that, any members of the Correſponding Society whom you could have brought together when Mr. Hardy was not ſpeaking of the King, when he was not reviling the King, or attempting any thing that could lead to his Majeſty's death, unleſs, according to the argument which we heard at large, yeſterday, of certain conſequences which were to ariſe from the Repreſentation of the People in Parliament—it would render that innocent man at the bar, as I have a right to ſtyle him until the Jury have pronounced a contrary verdict—it would make him anſwerable for every wicked thing that any man has ſaid, or that any man has written.

I collect from what fell from Mr. Garrow, but ſtill more from the opening of this letter, yeſterday, by the Attorney-General, that Mr. Martin writes, in ſome flippant manner, of a patten being thrown at his Majeſty, upon his return from *his* Parliament (which, by the bye, is the ſtyle and language of the law, for it is *his* Parliament); but, if Mr. Martin chooſes to expreſs himſelf in a contemptuous manner either of the King or of his Parliament, and if that is to be evidence to decypher the mind of any body, it is evidence to decypher the mind of Mr. Martin, not of Mr. Hardy. Does not common ſenſe, common honour, and common juſtice, revolt alike at it. We have got names we cannot help, becauſe in a court of juſtice we ſometimes talk of a *plot* and ſometimes of a *conſpiracy*; but I ſay, that all that has been laid before your Lordſhips to-day and yeſterday, amounts no matter to what: I am not to pronounce the law, it is the Court—but amounts to an aſſembly of a great number of people in different parts of this iſland, all purſuing one purpoſe. Your Lordſhips will recollect, that the conſpiracy,

conſpiracy, if it is to be called a conſpiracy, does not exiſt in the members of the Correſponding Society alone, for the accompliſhment of this purpoſe; they correſponded with Sheffield—they correſponded with Mancheſter, with Leeds, with Norwich, with Dumferline, with Edinburgh, and with a great number of other places. According to the doctrine now contended for, the declaration of every man (not the declaration of what his object was—it has not been ſtated that any of them ſaid, "The object "of all our meetings is to deſtroy the King;") but if any abſurd, intemperate man, drunk or ſober, chooſes to utter an expreſſion contemptuous of the King, that is to be evidence to decypher Mr. Hardy's mind. I do not ſtand up to approve of any man's uttering any contemptuous expreſſion of the ſort; but if Mr. Martin has uttered ſuch an expreſſion, when Mr. Martin is upon his trial, the good ſenſe of the Jury will conſider how far ſuch an expreſſion as that will weigh as againſt him; but I enter my ſolemn proteſt againſt this being given as evidence to affect Mr. Hardy. My Lords, I muſt needs do ſo, when I heard an expreſſion imputed yeſterday in the opening, by the Attorney-General, in this cauſe, to another perſon.—Suppoſe, for inſtance, any man of all that ſociety, ſhould ſay an intemperate, an abſurd, or a criminal thing: why now, for inſtance, ſuppoſe a man takes the head off a pot of porter, and ſays, I ſhould like to cut off the heads of Kings, ſhould I not know what the context was: muſt I not know what Kings they were ſpeaking of, whether ſpeaking of thoſe Kings which he might think allied together for a purpoſe deſtructive to the principles of juſtice and humanity, or whether he meant any thing that could lead even to an idea of the King of Great-Britain.

But ſuppoſing any men connected in a ſcheme for the Reform of Parliament; I will ſuppoſe it in the caſe of honourable men, who meet in a ſociety (of which I am a member) for the purpoſe of a Reform of Parliament; for any thing I know, if the papers of that ſociety were laid before your Lordſhips, there might be found expreſſions in them which your Lordſhips might think intemperate expreſſions, which you might think illegal—expreſſions which you might think ought not to be uſed; and as far

far as your Lordſhips could impute any of theſe expreſſions to me, if they could be fairly imputed that would be one thing:— But, good God! what man could ever enter himſelf into any ſociety for any one object whatever, if the language and if the writings of every individual compoſing that ſociety could be given in evidence againſt him.

I would only aſk where this is to ſtop; becauſe I have a right to ſay, if Mr. Martin is to be conſidered to be the decypherer of the mind of Mr. Hardy, then I muſt enter into a defence of the mind of Mr. Martin: I muſt call witneſſes to Mr. Martin's character; for, if there is any objection to that, I have taken the pains in preparing for this momentous trial, to look from the earlieſt period of our hiſtory down to the preſent hour, through all the queſtions that have been put to witneſſes with regard to the declaration of their ſentiments of perſons accuſed, for the purpoſe of their exculpation. Can you go the length of making a declaration of Mr. Martin's contemptuous behaviour towards the King evidence not only to ſhew that he thought lightly of the King, but that every other man did, who met for another purpoſe, and for another end?

Is it meant to be gravely ſaid here, that if perſons meet together for the accompliſhment of a purpoſe, which purpoſe appears by the evidence to be what I have no right to ſay, becauſe until your Lordſhips and the Jury decide, whether it is to obtain a fair Repreſentation of the People in Parliament by conſtitutional means, or whether it is any thing elſe, what quality the law ſhall annex to it, is matter I will not break in upon, for various reaſons, at this moment. As the priſoner ſtands accuſed of compaſſing the death of the King, every thing he has done himſelf, every thing done in his preſence, every thing ſaid in his preſence, to which he may be ſuppoſed to aſſent, by continuing to meet the ſame perſons again, is to be received in evidence. Now, for inſtance, if Mr. Martin had ſaid this in the preſence of Mr. Hardy, and afterwards he is found living with Mr. Hardy, it might be ſaid ſo far Hardy might be conſidered as approving the conduct of Mr. Martin. I underſtand this to be a letter found; I do not know where, for that is not even ſtated.

Mr. Garrow.

Mr. Garrow. It is a letter addreſſed to Margarot, at Edinburgh, he being a miſſionary from this ſociety.

Lord Chief Juſtice Eyre. Where was it found? what is the fact?

Mr. White. It was not found among his papers, but we ſhall prove it to be Martin's hand-writing.

Mr. Erſkine. Suppoſe, inſtead of being a letter to Margarot, it had been a letter to Hardy himſelf, it would not be evidence; I cannot help a man's writing a letter to me—the poſt may bring it, and it may be found in my cuſtody; if any man were to write a letter to me by the poſt, containing matters I highly diſapproved, your Lordſhips could not criminate me becauſe this letter was found in my cuſtody.

I wiſh this to be conſidered, in order for your Lordſhips to ſee the extent to which this buſineſs is opened. We are now far advanced in the ſecond day, upon an indictment for compaſſing the death of the King; and, if your Lordſhips look through the ſtate trials, from the beginning of our hiſtory to the preſent time, you will find what has been remarked by the Court, that it has never been neceſſary to have recourſe to the expedients employed laſt night, by the indulgence of the Court, in a caſe of High Treaſon. In the caſe of Elizabeth Canning, I underſtand it was done. But, if this field of evidence is to be gone into, I proteſt I cannot ſee when this will end, becauſe I am ſure that your Lordſhips will do impartial juſtice, and, therefore, if this letter of Mr. Martin's is to be read, Mr. Martin, of courſe, muſt be allowed to explain it. If the Crown can give the letter in evidence, becauſe Mr. Martin happened to be a member of the London Correſponding Society, every man's letters, who was a member of any of theſe ſocieties, which were in correſpondence together (for your Lordſhip will recollect, that the conſpirators, if there are any, are all who have been moving to this purpoſe by affiliated ſocieties), their bureaus might be broke open, their letters intercepted at the poſt-office, or be ſeized upon by the magiſtracy, and your Lordſhip might have to read the correſpondence of every man in theſe ſocieties; I wiſh to know that, becauſe it may be material, and I may withdraw my objection.

Shall I, in my turn, be allowed to produce the letters of all the members of theſe ſocieties to their friends? Certainly not; it would be abſurd and fooliſh to expect it: therefore, upon every principle of law, I object to this letter of Mr. Martin's being read, unleſs it can be ſhewn that his letter is connected with ſomething that Mr. Hardy and he have done together, and that it can be brought home to Mr. Hardy, that he knew the facts contained in that letter, and that it was ſomething done in the furtherance and accompliſhment of a conſpiracy between them, I certainly muſt object to any improper expreſſions in this letter being imputed to Mr. Hardy—I object to its being given in evidence.

Mr. Gibbs. After this point has been ſo ably argued by Mr. Erſkine, I can add but very little; but this I muſt ſay, that it ſeems to be offering this letter with an endeavour to bring before your Lordſhips preciſely the ſame queſtion again. If I took what your Lordſhip ſaid accurately, when the deciſion was given upon the laſt point, and that evidence was rejected, your Lordſhip ſaid, that in Damaree's caſe, and in Lord George Gordon's caſe, it was true, that the declarations of perſons when the priſoners were not preſent, were received in evidence; but they were received for this reaſon, becauſe they had been preſent at the collection of the mob, and, during the riots of thoſe mobs, in the tranſactions of which it was endeavoured to implicate the priſoners:—what they declared while they were in action, was admiſſible evidence, to ſhew what the object of theſe inſurrections was, and therefore it was received; but your Lordſhips have never determined, that that which was declared by a perſon unconnected with the priſoner at the bar, except as he may, at particular occaſions, have been brought into his company, could in any caſe be received as evidence.

I underſtand the line to be this: when a man is indicted for that which is done by a great collection of men aſſembled together, and he is preſent at ſome times and abſent at others, the declarations of other men acting with him in that very act for which he is indicted, are admiſſible evidence to ſhew what the object of that aſſembly was: But why was the letter laſt offered,

rejected? For this reaſon, becauſe it contained a relation of facts, which relation of facts the priſoner was not cognizant of; he did not know that theſe facts were ſo related: What is the preſent letter? I aſked to ſee it before I addreſſed your Lordſhips: I was told I muſt not ſee it, that it was irregular; from what I have collected of it, it is no more than the laſt letter: it contains a relation of facts, and then they would add to it, that the object of this relation of facts, was to keep up the ſpirits of a perſon at Edinburgh; if I underſtood the argument, that was the drift of it.

Mr. Garrow. It was ſtated to be an excitation in terms.

Mr. Gibbs. Certainly; I am arguing under great difficulties: my object was, to ſhew that this is the ſame queſtion which your Lordſhips have decided upon the former argument; I deſired to ſee the letter before I addreſſed my argument to your Lordſhips, which may certainly be all mere air, if I am miſtaken in the fact; I was told in point of regularity, I could not ſee the letter, and therefore I can only argue it upon the recollection of what was looſely ſtated: it might be ſo intended, in the mind of the writer of it, to keep up the ſpirits of Mr. Margarot? But was that object communicated to the priſoner? Did he mean that thoſe facts ſhould be ſo related? The real object for producing this letter, is this—that the repreſentation of facts contained in that letter, by the writer of it (and in the writing of which letter the priſoner is not in any reſpect implicated), that the narration of facts by the writer of the letter, ſhould be fixed upon the priſoner; that whatever the writer of that letter has improvidently, fooliſhly, raſhly, or I will ſay unlawfully expreſſed in that letter, that raſhneſs, folly, or illegality, may be fixed upon Mr. Hardy. It ſeems to me, that this caſe comes directly within the ſpirit of your Lordſhips deciſion upon the laſt argument.

Caſes were ſtated upon the laſt argument, in which the declarations of third perſons were received againſt a priſoner; but it was only in caſes where the priſoner was indicted for joining in the act of a multitude, where perſons are ſometimes preſent and ſometimes abſent; a part of that multitude, at the time they were unlawfully collected, for which unlawful collection the priſoner

was among others indicted; part of them had declared what was their object. I agree that may be evidence againſt a priſoner, and he muſt exculpate himſelf if he can; but that a letter ſhould be evidence againſt Mr. Hardy, which he never ſaw, and for a purpoſe to which he never acceded, ſeems to me againſt all law, and I am ſure that it is againſt all juſtice; for the object of this indictment is to try the mind of Mr. Hardy—to try whether he did in his mind compaſs the death of the King. And ſurely, juſtice does not require that that which is proved to preſs in the mind of one man ſhould fix a ſimilarity of ſentiment in the mind of another, who neither directed the letter to be written which is offered in evidence, nor ever afterwards knew that the letter was written, which letter too never was received.

Mr. Solicitor General. I will trouble your Lordſhip with a very few words upon this point, and, I truſt, your Lordſhip will be of opinion that it is unqueſtionably evidence. Certain perſons are indicted for endeavouring to procure a Convention to be aſſembled to ſubvert the Legiſlature, rule and government, now duly and happily eſtabliſhed in this kingdom, and other overt-acts of the ſame tendency. Now upon the very principle which has been juſt ſtated by Mr. Gibbs, it appears to me that this is evidence. The principle which is ſtated by Mr. Gibbs is, that that which is declared by conſpirators, whilſt in action, is evidence againſt thoſe who were not preſent at the time, as well as againſt thoſe who were preſent at the time———

Mr. Gibbs. I beg your pardon, I would not have you take my argument improperly; I did not ſay conſpirators in action, but I ſaid that where a number of men are indicted for acts of violence in which they unite, and the priſoner is ſometimes preſent and ſometimes abſent, that what is ſtated by ſome of thoſe perſons who are ſaid to co-operate with him in ſome of thoſe acts of violence may be evidence.

Mr. Solicitor General. I am very little capable of diſtinguiſhing between what I ſtated and what Mr. Gibbs now ſays. I take this to be a declaration of conſpirators in the progreſs of their conſpiracy, and I take that to be exactly the diſtinction between this caſe, and that which your Lordſhips have determined,

ed, with reſpect to which it is my duty to ſubmit to the judgment of the court. That was a letter addreſſed to a perſon, whom we have not ſhewn to be, in any degree, involved in the conſpiracy, to a Mr. Vellam; whereas this is a letter, addreſſed by Mr. Martin, who is proved to be Chairman of the meeting, on the 20th of January, to Maurice Margarot, who was the deputy from the Correſponding Society, at the Convention which was held at Edinburgh; it is, therefore, a converſation, by letter, between two perſons who were parties to the conſpiracy, if there exiſted any conſpiracy; for, in all theſe caſes, the firſt queſtion your Lordſhips and the jury will have to conſider, is the exiſtence of a conſpiracy, and the object of that conſpiracy; and then, whether the perſon charged was party to that conſpiracy.

Now for the purpoſe of ſhewing the exiſtence of a conſpiracy, and for the purpoſe of ſhewing what the views of the conſpirators were; how far they went, converſations of thoſe conſpirators totally diſtinct from the priſoner, have conſtantly been admitted to be given in evidence. In the caſe of my Lord Stafford, which was a proſecution, by impeachment in parliament, for High Treaſon, in compaſſing the death of the King, and proceeding to great length; the evidence that was firſt given was ſimply, and only of the general plot, by perſons who were capable, as they afterwards proved by their teſtimony, of bringing that Treaſon ſpecifically home to Lord Stafford; they were not examined to that point at firſt, but were examined ſimply, and only to the general plot; one thing which they proved in the courſe of that evidence, with reſpect to the general plot, I will ſtate to your Lordſhips; it was a diſcourſe between Anderton, Champion, Green, and ſeveral other perſons, with which Lord Stafford had no ſort of connection whatever, in which thoſe perſons told the witneſs, that there would be a great alteration in England, e'er long; that the King was an heretic, and might be deſtroyed; that they induſtriouſly preached this doctrine, and that the Duke of York was with them. Evidence was given of theſe converſations. Who were the perſons that held theſe converſations? They were not perſons included in the impeachment of Lord

Stafford, but perſons to whom it was imputed that they were in the common and general conſpiracy, which was charged to exiſt, for the purpoſe of the reſtoration of the Roman Catholic Religion in this country, and for the purpoſe of depoſing the King, and ſubverting the Government of the country. The manner in which Serjeant Maynard ſtates the evidence which was to be given, ſeems to me to be perfectly clear. He ſays, " This is a " treaſon of a faction, and of a general party in the nation; " 'tis not this or that Lord, but a great number; 'tis not this " or that Lord that is mentioned in the articles, but the con- " ſpiracy is of a great faction. This do we think, and this " makes us ſo earneſt to preſs the general before your Lordſhips, " that we may give ſatisfaction to your Lordſhips, and the world, " what this plot hath been, and how carried on every where.

" My Lords, the conſequence of that is very great; for, my " Lords, if there were a general deſign, and a general plot, as " clearly there was, ſome were to act in Spain, and ſome in " France; ſome in other places; ſome in Ireland, Scotland, and " England, and a great number of Jeſuits, (we have a matter of " thirty in chaſe about this buſineſs) I ſay, my Lords, if it be ſo, " if one action be in one place, and another in another, yet if there " be a common conſent to accompliſh this plot, then what the " one does is the act of all, and the act of all is the act of every " one.

" My Lords, the perſons were many, and the places and times " many they acted in, and the deſigns which they were to ac- " compliſh, and the means wherewith they were to accompliſh " them were many too."

My Lords, in the caſe of Lord Lovat, the ſame ſort of doctrine is laid down with reſpect to the evidence.—The Solicitor General of that time ſays, " It is neceſſary, therefore, " by general evidence, to ſhew that there have been ſuch plots " and conſpiracies as the Commons aſſert, and then to affect the " noble Lord at the bar, by proper evidence, with being con- " cerned in theſe plots." It was ſo, he ſays, in Lord Stafford's caſe, and at the " trials at law of the perſons accuſed of having " been in the ſame plot, the ſame method was allowed as proper,

" and

" and liable to no juſt objection, in many trials after the " Revolution."

This was ſaid upon an objection that was taken to the evidence of Mr. Murray, of Broughton.—Mr. Murray proceeded in his relation of the conſpiracy; and one part of the evidence which he then gave was, that Lord Traquair had informed him, that a Mr. Drummond had carried over to Paris a memorial, and a liſt of all the Gentlemen in Scotland, who would ſupport the Pretender; that he had converſed with Drummond; that Drummond was then in Edinburgh, and propoſed that he ſhould have a meeting with him; that he had a meeting with Drummond, who repeated much the ſame thing, and ſaid he had been extremely well received by the Cardinal; that is, Cardinal Fleury.—Several other parts of his evidence were to the ſame tendency.—What was this but giving evidence of converſations between two conſpirators upon the ſubject of the plot, for the purpoſe of ſhewing what was the nature, tendency, and objects of the plot, and what were the views of the ſeveral perſons who were concerned in it.

With ſubmiſſion to your Lordſhips, this letter is evidence upon the ſame ground.—It is evidence, quo animo, Mr. Martin acted.—I do not mean to ſay, it is direct evidence, quo animo, Mr. Hardy acted, but it is the nature of all plots that this ſort of evidence ſhould be given; ſeveral perſons are concerned; they are brought into one engagement; ſome of them may certainly have views leſs culpable than others, but ſtill for the purpoſe of a jury determining what is the guilt of the particular perſon charged, the views, the intentions, declared by converſation, as well as otherwiſe, of the ſeveral perſons concerned in the plot, and eſpecially when it happens to be converſations between two of the perſons concerned in the plot, which, with ſubmiſſion, a letter from one of the perſons engaged in it, to another of thoſe perſons is, then I ſubmit, that it is a matter which may fairly and properly be given in evidence, conſiſtent with the determination your Lordſhips have made, and upon the very foundation, that it is what paſſes between perſons engaged

in a conſpiracy, while the conſpiracy is in its proceſs towards that concluſion, which we ſubmit the conſpirators had in view.

Mr. Serjeant Adair. It is not on account of the importance of this particular piece of evidence that I take the liberty of addreſſing a very few words to your Lordſhips, upon the ſubject of the objection that has been made, but from an impreſſion of the very great importance of the principle upon which this objection may be decided, and the extenſive application of it to other caſes that may in future occur.

In order to underſtand the objection, it is neceſſary to ſtate the ground upon which this evidence is offered; and I conceive that a great part of the argument of my learned friend, who very ingeniouſly ſtated this objection at firſt, is anſwered by a conſideration of the ground upon which this evidence is offered; for I do not conceive, and I, for one, do not offer the evidence to the Court upon the ground, that the idle expreſſions of Mr. Martin reſpecting the King,—that the relation of an accidental fact that happened in the Park, within Mr. Martin's knowledge, reſpecting the King, is any evidence at all againſt the priſoner; but it is upon this ground that a part of that letter which we offer in evidence is alledged to relate, and your Lordſhips, when it is read, will find that it does relate to an act done by the conſpirators, as it is contended, in the furtherance and proſecution of that conſpiracy which is by the indictment imputed to the priſoner.

Lord Chief Juſtice Eyre. Be ſo good as ſtate a little more particularly what that is.

Mr. Serjeant Adair. It is a ſtatement from one of the conſpirators, who had been in the chair at the meeting of thoſe whom we call the conſpirators, held, as it has been alledged, for the purpoſe of furthering the views of that conſpiracy—it is a ſtatement of that conſpirator to another perſon, alledged to be a conſpirator of what paſſed at that meeting, ſo held.—Now the charge againſt the priſoner is the compaſſing the King's death, by means of a conſpiracy, to overturn the conſtituted authorities of the State, and the Government of the country, under colour

colour of a profeſſed deſign only to make a reform in parliamentary repreſentation, and to correct abuſes in one branch of the Legiſlature;—a deſign which, purſued by innocent and proper means, might poſſibly be either wholly innocent, or amount to a guilt infinitely leſs than that which is charged by this indictment; but when ſuch a conſpiracy as is imputed to the priſoner, is alledged to be carried on under colour of ſuch a pretext, many of the acts of thoſe conſpirators muſt, in their nature, be equivocal, and admit of different conſtructions.—How are theſe conſtructions to be collected?—How is that ambiguity to be removed? But by views of the conduct and declarations of the perſons alledged to be in the conſpiracy itſelf.—It is upon that ground, and that alone, that this is ſubmitted to the court as the ſtatement of the proceedings, at a meeting by one conſpirator to another conſpirator, implicated in the general deſign, but not preſent at that meeting.—It ſeems to me, that there is no kind of evidence that can tend more directly to develope the real intention of the parties in the tranſaction, than that ſpecies of evidence which is now offered.—I do not mean to contend, that the letter, when read, which I have caſt my eye over, will itſelf go any great length in effectuating that purpoſe, but the nature of the evidence is ſuch as may be important, perhaps, in other inſtances, much more ſo than the preſent; and the principle is extenſive in its application, not only to the trials upon the preſent occaſion, but thoſe that may hereafter occur in this country, and at times when this trial may become a precedent to poſterity.

The grounds upon which this evidence is offered to the court, ſeem to me to fall directly within the principle of the Earl of Stafford's caſe; but, even if it could be diſtinguiſhed from other caſes, I think it cannot be diſtinguiſhed from the caſes of Demaree and Lord George Gordon; and the diſtinction that has been attempted between an act of violence, or any other act, in furtherance of a conſpiracy, I confeſs I do not feel much the force of.—This comes ſo completely within the principle of Lord George Gordon's caſe, that it is impoſſible, without holding that caſe not to be law, to reject this evidence.

Your

Your Lordſhips will pardon me for having made theſe obſervations; it was merely from the importance of the principle, and not from the leaſt idea, that the letter, when read, will be thought to be very much in itſelf.

Mr. Bearcroft. I make no apology for troubling your Lordſhips with a few obſervations upon this point; it is a caſe of very great importance; and when I ſay that I am ſure I ſhall be underſtood, that I do not ſtand up to ſpeak of the importance of it, becauſe I am likely to give any extraordinary aſſiſtance, but, inaſmuch as it is of ſo great and general importance, I, therefore, feel it my duty to attempt to do it in the beſt way I can.—I ſhall, in doing it, avoid two things: I will not attempt to break into, or controvert, the rule that has been already laid down by the court, as I underſtand it—I will not repeat a ſyllable that has been ſaid by the learned gentleman before me—but I think I can add another obſervation upon this letter, which would entitle it to be read.

When I ſay I will not controvert the rule laid down, as I underſtand it, I wiſh to ſtate, in order that I may be corrected, if I miſunderſtand it, how I ſuppoſe it to have been laid down,—as I underſtand it, it was decided, by the authority of the court, that a mere narration of ſimple facts that have paſſed is not admiſſible evidence.—I think that cannot well be diſputed; my humble judgment certainly goes with that deciſion, if it is carried no further;—but when a queſtion of evidence, and of great extent and importance, is before the court, I have been always taught, that the way to decide upon the competency and admiſſibility of that evidence is to conſider,—What is the queſtion trying?—Againſt whom is the teſtimony offered?—What is the nature of it?—To what purpoſe is it adduced?

Now I underſtand, or I am groſsly miſtaken in the whole of this proceeding, that the object of it is to ſhew, that the priſoner at the bar is guilty of high treaſon, of the ſpecies charged in this indictment, by the means, and by overt acts, which amount to a conſpiracy, with many others, to carry that treaſonable intent into execution; that is the nature of the charge.—The conſequence

ſequence I conceive moſt clearly to be this, that though it is an indictment for high treaſon, yet, becauſe that high treaſon is to be carried into execution by the means of a conſpiracy, that all the evidence which will, by law, be admiſſible upon the trial of a minor conſpiracy, a conſpiracy not treaſonable, will be admiſſible likewiſe upon the preſent enquiry.

Now, my Lords, I take it to be a ſettled rule in the trial of an indictment for a conſpiracy of every kind, that when once you have eſtabliſhed, that the priſoner at the bar has conſpired, together with others, not then upon trial, in the indictment—nay, I go further, not charged in the indictment.—When I ſay eſtabliſhed, I do not mean eſtabliſhed decidedly, that they are guilty of the conſpiracy, but that there is evidence admiſſible, and to be laid before the jury, upon which they are to exerciſe their judgment—then I have a right to give in evidence the acts of others, ſo connected.

My Lord, it cannot be diſputed, that ſome evidence to prove the conſpiracy is in the poſſeſſion of the court; nay, it is in the poſſeſſion of the jury; for it cannot be in poſſeſſion of the court, without being in poſſeſſion of the jury; they have heard it, of courſe, as it has been admitted.—We have got thus far, that the priſoner at the bar was engaged in a conſpiracy, together with Martin and Margarot—they two correſponded by letter—they two converſed, in writing, as has been rightly ſtated by Mr. Solicitor General.

What is the object of the conſpiracy?—We contend it is to overturn the Government, and depoſe the King, whereby it is obvious, to any common underſtanding, that the life of the King is in danger.—Now I contend, therefore, with the utmoſt deference to the court, that this letter is competent evidence—no matter how far it extends, or how ſhort it goes—if it goes any ſtep at all; but I confeſs that I feel, and I am ſanguine enough to ſtate, that it goes pointedly, importantly, and directly to the matter of High Treaſon charged in the indictment.—I ſaid I would not repeat a ſyllable that had been urged by the gentlemen before me, but I deſire to be underſtood, that my mind

mind goes with them entirely, and accedes to every part of their arguments.

I beg leave to advert to another part of this letter, that, I ſay, goes pointedly to ſhew, that the deſign was for compaſſing the miſchievous, the traiterous,—I had very nearly ſaid the perſonal deſtruction of the King. What I advert to in this letter, I will read to your Lordſhips in the very words:—"The King went "yeſterday to meet *his* Parliament." Your Lordſhips will mark the expreſſion; it is very decent, but——

Mr. Erſkine. I muſt beg to interrupt my learned friend; I beg his pardon; that part of the letter has been, within this three minutes, expreſsly given up by Mr. Serjeant Adair, as Counſel for the Crown, who finiſhed what he had to ſay before my friend got up, by ſaying, that that part of the letter which my friend now chooſes to read aloud, in the hearing of the jury, he did not mean to contend to be evidence againſt the priſoner—and, therefore, if the letter comes to be read, the letter will be read with the omiſſion of that part; or if the omiſſion did not take place, that part is admitted, by Mr. Serjeant Adair, not to be evidence againſt the priſoner.

Lord Chief Juſtice Eyre. The interruption is not quite proper; becauſe, if it were ſo, that my brother Adair had diſtinctly admitted it in that manner, yet that could not conclude the argument of another learned gentleman, if he was of opinion he could maintain it.

Mr. Erſkine. Does your Lordſhip think, that it is conſiſtent with the rules which muſt bind us upon this occaſion, that, in arguing the admiſſibility of a piece of evidence, they are not merely to ſtate to the court the general nature of it, ſo that the court may give its deciſion before a thing, which, perhaps, is not afterwards to be received in evidence, ſhould make any thing like an impreſſion, but to read the paper itſelf.

Lord Chief Juſtice Eyre. No; only ſo much of the purport as is neceſſary to inform the court of the nature of it.

Mr. Erſkine. My friend is not merely reading the letter, in that part which one of the counſel, at leaſt, admitted not to

be

be evidence, but he is commenting upon it, ſtep by ſtep.—I apprehend my friend may ſtate, that there is an expreſſion perſonally reflecting upon the King; but, in order to argue the admiſſibility of any piece of evidence, it is not to be read by the Counſel for the Crown, in the hearing of the jury; becauſe if, after the counſel has read it, in the hearing of the jury, the court ſay it is not admiſſible evidence againſt the priſoner, it may lead to affect the priſoner, becauſe it may affect the minds of the jury, in a manner inconſiſtent with the nature of the teſtimony received on the trial. I am now, I underſtand, in poſſeſſion of your Lordſhips judgment upon this point.

Mr. Serjeant Adair. As my friend has done me the honour to advert more to what fell from me than the weight of it ſeemed to deſerve, I beg leave to ſtate and explain what I did ſay upon the ſubject. I did ſtate, and I do not mean to retract it, that the part of the letter which I alluded to, when I ſpoke, was not the ground upon which we offered it to your Lordſhips, and would not, of itſelf, make that evidence againſt the priſoner;—but I did never ſtate, that if there was that in the letter, upon the ground of which I contended it was proper evidence, as applicable evidence to the charge againſt the priſoner, that the whole context of that letter ſhould not be taken together, in order to ſhew the intention of the parties who are implicated in that deſign. I have never admitted that. But his Lordſhip has certainly truly ſaid, that my admiſſion does not preclude any other gentleman arguing upon that ground. I wiſhed to repeat what it was that I did ſtate, that I might not be accuſed of having admitted that which I never admitted.

Mr. Bearcroft. I have received this interruption with the greateſt patience, becauſe it is made by a counſel for a man now trying for his life; if it had been made in any other place, and in a civil cauſe, I could not have forborne inſtantly to expreſs my aſtoniſhment at the groſs irregularity of the interruption; becauſe I conceive it is not only the privilege, but it is abſolutely the duty of a counſel, when he is arguing upon the admiſſibility of evidence, to ſtate that evidence to the court. If it can, by any other means, be argued, my learned friend will be ſo good

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as tell me how that is to be performed, for I really cannot conceive.

Lord Chief Juſtice Eyre. The counſel is to open the nature of the evidence.

Mr. Erſkine. I am in poſſeſſion of the judgment of the court on that which Mr. Bearcroft calls an interruption.

Mr. Bearcroft. I am certainly aware, that it may be done in that ſhape of opening the nature of the evidence; but, with great ſubmiſſion to the court, I conceive that was preciſely what I was going to do. I do conceive, with great deference, that it would be extremely improper in me to be reading the evidence, from the beginning to the end, under colour that that ſhould be neceſſary to argue as to the admiſſibility of it. I do admit, that it is ſufficient; nay, that more ought not to be done than to ſtate the nature of it; but I conceive that the nature of that part of it, which I point out as one of the main grounds of the admiſſibility of this letter, are certain particular expreſſions made uſe of in it. What ſtrikes me, at this moment, is contained in two lines and a half:—"Nay, I am told a woman, moved and ſeduced by the "inſtigation of the devil, and traiterouſly intending, &c. did, in "St. James's Park, take off her patten, and threw it, with all "her force, whereby the glaſs of the ſtate coach was broken, "and his Majeſty put in fear. God ſave the King; for if, &c. "as Gerald ſays,"—

I do ſubmit to the court, that this is important evidence to the very point of the indictment; namely, for the purpoſe of ſhewing a miſchievous intention to the King. Becauſe this is a letter from one of the conſpirators to another of the conſpirators, exulting in the tranſaction, enjoying it, and ſtating it as good news, for his purpoſe, to his brother conſpirator. That is the light, with great ſubmiſſion, in which it ſtrikes me. I conceive that that is an additional ground upon which this letter is admiſſible.

Mr. Bower. I ſhould be aſhamed to trouble the court with a word upon this objection, for the ſake of the piece of evidence that is now in my hand, becauſe it does not appear, of itſelf, to be of ſo much importance as to demand ſo much attention; but

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it will be of very conſiderable conſequence in the courſe of theſe trials, if a piece of evidence, offered to the court under the circumſtances in which we offer this letter, ſhould not be conſidered as good evidence.

I will attend to what your Lordſhip ſuggeſted, that the duty of counſel is to open the tendency of the evidence, at the time it is offered and objected to; and, with great deference to my friends who have gone before me, I do not think that they have opened the tendency of that part of this letter, which appears to me to be material, and to be an indiſputable ground why it ſhould be received in evidence.

I muſt beg your Lordſhips to advert to the ſtate of the preſent cauſe. We have already proved, as againſt the priſoner, a paper, ſigned with the name of John Martin, as chairman, at a meeting of the ſociety of which he himſelf is Secretary. This paper was brought home to him by evidence, and by which he, therefore, admits, that Martin was the chairman of that meeting; the date of the letter, which I hold in my hand, is the 22d of January, 1794; it is ſubſequent to the period of that Convention in Scotland, which we have heard ſo much of, and it is relative to that Convention. The letter which I want to read now is from Mr. Martin, who we have proved to be ſo connected with Mr. Hardy, to their delegate in Scotland, who was at that time, in conſequence of the interpoſition of the Civil Magiſtrate, in confinement, as it appears, to encourage him to proceed in theſe efforts, which he was ſent there to attempt, by telling him that ſubſcriptions will now be raiſed, which will be an aſſiſtance to him; and by informing him, that it may be thought adviſeable to have another meeting here, in a commodious place, for the purpoſe of carrying into effect the views of the Convention, which the Magiſtracy of that country interrupted. That is the tendency of the greateſt part of the letter, which we now offer to the court; and if we have brought ourſelves into the ſituation of ſhewing, as I truſt we have, that Mr. Hardy has admitted Mr. Martin to be Chairman of the Correſponding Society; if we have proved, that the object of that ſociety was to accompliſh certain purpoſes; when I ſay we have proved, I take it we have given

given evidence to prove it; if we have proved, that the objects of that ſociety were to carry certain purpoſes into effect, by means of the Convention; if we ſhew incitement from a perſon proved to be connected with the priſoner, in the way Martin has been proved to proceed, in thoſe ſteps which are the objects of that Convention, and to perſevere in thoſe meaſures, which were the meaſures uſed to bring about the ultimate purpoſes of that Convention, we may prove a direct act, done in furtherance of that conſpiracy, by ſhewing a direct incitement, by a letter in the very words of the overt act charged in this indictment, to perſevere, and go on with that conduct, which was to lead to the ultimate end that the ſociety had in view.

Lord Chief Juſtice Eyre. I underſtand that this letter is not proved ever to have come to the hands of Margarot; you call it a letter; it is, in truth, merely a paper, in Martin's hand-writing.

Mr. Bower. The argument would, perhaps, be ſtronger, if it had come to his hands; but, with great ſubmiſſion to your Lordſhip, it is evidence of the intent of this Mr. Martin to encourage the party, who appears to have been intended to have been addreſſed by this letter, in the general purpoſes for which this ſociety has been eſtabliſhed, and which they were going to carry into effect; but it is not ſo ſtrong, to be ſure, as if I could prove that it arrived at Margarot's poſſeſſion, becauſe, I take it, that would put it out of all doubt; but any letter, written from a conſpirator in the connection we have proved Mr. Martin to be, having proved him to be Chairman of that very meeting, the object of this letter being to excite the perſon to whom it was written, to perſevere in theſe meaſures, and to forward thoſe purpoſes, which we have proved the ſociety had in view, and that Martin, the man who writes this letter, particularly had in view, by the tranſactions at the Globe Tavern, is not, I conceive, a recital of any thing that has paſſed, but a direct incitement to go on with that act, which we are about to prove, as being the act intended by this ſociety to be carried into effect, by the joint or individual efforts of the members of the ſociety. It does appear to me to be material, that we ſhould now know whether

whether or no, when we have eſtabliſhed an intimate connection between Martin and the priſoner, that an act done by Martin, in direct furtherance and proſecution of the main deſign, ſhould not be admitted as evidence againſt the priſoner, though we have given evidence, that they were connected in the individual and particular act which is the ſubject of the evidence that has been offered. I ſubmit to your Lordſhips, that this is evidence which, in this ſtage of the cauſe, ought to be received; and it is not for the materiality of this piece of evidence, but for the ſake of the principle that we wiſh to have eſtabliſhed.

Mr. Law. The ground upon which I meant to addreſs your Lordſhips has been, in a great degree, anticipated by what has fallen from Mr. Bower.—In conſidering whether any written evidence, in general, is admiſſible, I will conſider, firſt, what is the relation between the party who wrote this letter, the perſon to whom it is wrote, and the party to be affected by it.—There has been evidence to prove, that there exiſted in the members of this ſociety, a conſpiracy to ſubvert the Government, then I ſubmit to your Lordſhips, that, having laid that ground, it is in the ordinary courſe of proceeding to give evidence of the detached acts of any one individual, conducing to the general end and purpoſe to be effected by the general conſpiracy.

Then what is this act? And is it an act which falls within any of the overt-acts charged upon the face of the indictment?—I think it is peculiarly applicable to that overt-act which ſtates that they compoſed and wrote, and cauſed to be compoſed and written, divers books, pamphlets, letters, &c. containing incitements, encouragements and exhortations, for the purpoſe of accompliſhing this object of holding a Convention, for the purpoſe of depoſing and ultimating procuring the death of his Majeſty. Now is this letter in furtherance of that object; it contains the common incitements and exhortations of this ſort; it encourages him to perſevere, and ſtates as a ground why he ſhould perſevere; that the funds of the Society were increaſing; that their numbers were increaſing, and that their proſpect of ſucceſs was increaſing. That being ſtated, (for I am not at liberty to detail the particu-

lar contents of the letter) as the ſubject and object of the letter: the only queſtion is, whether ſuch a letter as that, of which it may be predicated, that it contains an exhortation and incitement to this object, is or not to be received in evidence. I conceive there can be no doubt it is an excitement and exhortation upon this ſubject, and if it be that it is admiſſible.

Mr. Erſkine. My Lord, unleſs I miſtake the cauſe, and the ſtage we are now arrived at in it, this is novel. I think I may call it a phenomenon in the hiſtory of trials for High Treaſon, and in the practice of a court of juſtice. My Lord, ſtanding here towards the middle of the ſecond day, I muſt appeal to the honour of the court, and to the candour of the bar, whether we who are of Counſel for the priſoner have not been extremely ready; perhaps, readier than we might altogether juſtify to our client in a capital caſe, in permitting the reception of evidence, having troubled your Lordſhips with no arguments; having aſked hardly a ſingle queſtion of any witneſs that has been ſworn. I am perſuaded, when your Lordſhips recollect the courſe that this cauſe has taken, that you cannot but ſee that we ſhould have made no ſort of objection to reading of this letter, had it contained nothing more than my learned friend Mr. Garrow very decently, in my opinion, and very properly ſtated to the court, conſidering and properly conſidering, that though the court might be involved in the difficulty in reading a part of a letter, which part could in no inſtance be evidence againſt the priſoner, yet that the technicality of the evidence might unfortunately call upon your Lordſhips to direct a jury to do that which a judge cannot direct a jury to do, becauſe human nature will not permit the accompliſhment of it; to diſcharge from their minds the recollection of what they have heard. My friend did, therefore, properly not even open the generality of that part of the letter; but what have I in this cauſe to do with any thing that Mr. Martin might write, and which may appear for any thing I know to be an unpubliſhed letter in Mr. Martin's poſſeſſion, and therefore upon no principle of law to be evidence at all. I conceived that we were debating it as far as related to the proſecution of what was called a plot and conſpiracy; namely, that which was publiſhed in al

the newſpapers, and which your Lordſhips have been engaged two days in hearing read. I muſt be a fool to ſtand here and object to reading a paper which contains nothing more than what the jury have been employed two days of their precious time in hearing; but ſo it went on, and at laſt Mr. Serjeant Adair ſaid, that, which if it had been ſaid at firſt, I would have waved my objection, and the jury ſhould have heard the letter, and that part would have been croſſed out, or the officer would have been deſired not to read it; and I defy any man of common ſenſe to ſay he could ſuppoſe I ſhould object to it. Do not let any man explain away that which I did ſay, and that which the honourable and learned Serjeant ſtated, with the ſenſe that belongs to him, and the humanity which, I truſt, will ever accompany that ſenſe. He ſtated that he did not mean to inſiſt upon the jury hearing thoſe lines read; he thought they ought not to hear them.

Then comes the next learned Counſel, and he makes not a ſingle obſervation upon any other part of the letter which is ſtated to be in furtherance of that which is called the conſpiracy; but he faſtens upon that, and propoſes to read that which the Counſel who went before him admitted was no evidence againſt my client. I ſtood up to object, not to interrupt. I ſtand here to object, whenever there is a legal objection open to me. I had your Lordſhips judgment for the foundation of my objection; but my friend paid no regard to your Lordſhips judgment; for after I was poſſeſſed of your Lordſhips judgment, he went on and read the very words which I objected againſt the reading of; and having done ſo, he kindly tells me that as I am Counſel in a criminal caſe, he receives my interruption with a gentleneſs which he would not receive ſuch an interruption with in a civil cauſe. He ſays this after he has done that which is illegal, and has not been ſtopped in the doing it, though I objected to it, and was in poſſeſſion of the judgment of the court.

My Lords, this is no trifling matter, give me leave to ſay, I ſtand here for the life of an innocent man; and I ſtand here for the Law and Conſtitution of England, and I will ſuffer nothing to be done while I ſtand here that is not conſonant to both. Then where are we got to now in the debate. We are got to that

which fills me with alarm and apprehenſion; it is an object of a magnitude ſo great, ſo mighty, and what I am ſo unaccuſtomed to conſider, that I hardly know how to grapple with it, or how to addreſs myſelf to your Lordſhips.

It is truly ſtated too by the learned Serjeant, that what the Crown profeſs to make out by the evidence they have been offering to your Lordſhips for a great ſeaſon is, that Mr. Hardy was engaged in a conſpiracy. Why is that unfortunate man at the bar to be the only victim of a conſpiracy? I do not mean the only one; there are eight or ten indicted with him. How many thouſand of his Majeſty's ſubjects are meant to be brought to this place I cannot tell; for the conſpiracy that is alledged goes to the Members of every one of the Societies. I ſay, in my judgment, upon the evidence that is before the court, every man who has been a Member of theſe Correſponding Societies; who has been a Member of this Conſtitutional Society; every man who has been connected with thoſe acts, if the acts conſtitute a conſpiracy to ſubvert the Government, is liable to be put into the ſame ſituation with Mr. Hardy; and any thing that is written by any one perſon belonging to either of theſe Societies would be equally evidence againſt him.

The whole diſtinction ſeems to be this, and that diſtinction ſeems miſunderſtood. I agree with Mr. Solicitor General in what he ſaid, with regard to Lord Stafford's caſe, founding itſelf as far as relates to acts. Now if this had been within the ſcope of the buſineſs under examination, an act done by Margarot and by Martin, I ſhall admit that ſuch act done would be evidence againſt the priſoner; but I am objecting to a letter, more eſpecially a letter that never found its way to the perſon to whom it was written; that it was ever intended for Mr. Margarot, as far as the evidence goes, we don't know; but by the contents of which letter we are ſought to be affected.

Now there is only one thing I am anxious about. I wiſh to ſubmit it to the juſtice and to the diſcretion of this court. Suppoſe part of this letter is evidence, and part of it is not evidence, is that part which is not evidence to be read?

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It happens every day that your Lordſhips direct part of an anſwer to an interrogatory to be read in a court of equity; but you won't allow other parts to be read, becauſe they are not admiſſible evidence. Now all that I object to is, the reading this account of an old woman throwing her patten at the King's coach; it is ſomething ſo perfectly ridiculous: that a man's writing ſuch a trumpery anecdote as that, ſhould affect a man trying for his life in ſuch a caſe as this, it would be an inſult to ſuppoſe; but at the ſame time it appears to me to be a dangerous precedent, to allow any thing to be read as evidence which has no connection with the tranſaction before the court, but is a mere flippancy, which the writer of a letter happens to put into it; which letter has in it matter that may become evidence.

Lord Chief Juſtice Eyre. This queſtion has gone into a great length of diſcuſſion; but I blame nobody, as there was ſome difference of opinion in the court upon the former occaſion; therefore it required that this queſtion ſhould be more fully diſcuſſed.

I agree with Mr. Bearcroft, that he has ſtated truly what the nature of this queſtion is; namely, that if this were merely a trial for a conſpiracy, this would be evidence againſt one of the parties in that conſpiracy, becauſe the queſtion, whether this priſoner is to be reached upon the ſpecific charge againſt him, is, undoubtedly, a queſtion, whether he is to be reached by that medium; and if the medium is once eſtabliſhed that queſtion ariſes, upon which I will ſay no more at preſent.

It is perfectly clear that in the caſe of a conſpiracy, the general evidence of the thing conſpired is given in evidence, and then the party who is at preſent brought before a Court of Juſtice to anſwer for it is to be affected for his ſhare in it, the queſtion then is, whether a paper under the hand of a perſon, who is proved to be one of the conſpirators, ſhall be received in evidence, where it is nothing more than a paper under his hand? For as I take it, as this caſe ſtands, it is not a letter ſent to Margarot. There is no proof that Margarot ever received any ſuch letter; and, therefore, it may be a paper merely written privately by Martin, who is the perſon in whoſe hand-writing it

is ſtated to be, and may never have gone out of his hands. The queſtion is, whether under theſe circumſtances ſuch a paper is to be admitted in evidence, in a caſe in which another perſon now ſtands at the bar; and, I confeſs, that this does not appear to me to be ſufficiently diſtinguiſhed from the caſe which we juſt now determined, to ſatisfy my mind that it ought to be received in evidence.

It is undoubtedly true, that the general plot is to be made out by proving the tranſactions of others, to which the priſoner at the bar may not be immediately a party; but then, how is it to be proved? Is it to be proved by the mere acknowledgment of theſe other parties, and ſo made uſe of againſt the priſonor now at the bar? For inſtance, here is a conſpiracy charged. Suppoſe a witneſs ſhould come and ſay, I heard Thelwall ſay that he was engaged in ſuch a conſpiracy; and I heard Martin ſay he was engaged in ſuch a conſpiracy; and I heard Margarot ſay he was engaged in ſuch a conſpiracy. My preſent apprehenſion is, that that would be extremely good evidence perſonally againſt the parties, who ſaid it to prove againſt them individually, that they were concerned in that conſpiracy, but that it would be no evidence whatever againſt third perſons, as was the caſe on Lord Stafford's trial. A witneſs proved that he heard A. B. and C. converſe upon the ſubject of a conſpiracy; that is a direct proof that theſe three perſons conſpired, and there the converſation of one is evidence againſt the other, and ſo on; that is evidence of a tranſaction, a fact, not hear-ſay evidence; and not evidence of a party's acknowledgement, only inaſmuch as it is an acknowledgement by one in the preſence of the others, they acquieſcing, and therefore becomes diſtinct and proper evidence. But I have always taken it that with regard to theſe perſonal acknowledgements of having meant to incite; for that is the nature of this letter.—I have always taken it that that was proper evidence, if the party who was to be affected by it happened to ſtand at the bar to anſwer for it; but if another perſon was indicted by himſelf, that there could be no evidence received againſt that perſon, but the evidence of facts proved by the witneſſes, who prove the exiſtence of the facts in regular evidence; confeſſional evidence

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is *ad hominem* only. If it happens that a matter of fact is evidence againſt A, by evidence of the truth of that fact, other than the confeſſion of A, that does alſo become evidence againſt B, from the circumſtance of B being connected in the plot, and B being bound by all that A has done. But the courſe that has been obſerved in the State Trials that I have read, has been that confeſſions have been made evidence againſt the individuals only who confeſſed. This is of the nature of confeſſion, and nothing more; that has been conſidered as evidence only againſt the party, and is not to be received where that party is not the perſon before the court.

Lord Chief Baron Macdonald. On the laſt queſtion before the court I confined what I ſaid to the exact circumſtance of the caſe, namely, that the bare relation of acts by one of ſeveral perſons to whom the conſpiracy is imputed to a perfect ſtranger to that conſpiracy, is no more than an admiſſion which may poſſibly affect himſelf, but cannot poſſibly affect any of his co-conſpirators, it not being an act done in the proſecution of that conſpiracy. But, I confeſs, there appears to me a material diſtinction in this caſe. This is a paper which is addreſſed by one of ſeveral conſpirators to another of thoſe conſpirators; it is introduced as ſubſervient to the proof of the general nature and tendency of that conſpiracy, which is alledged and endeavoured to be proved as the foundation of affecting the priſoner with a ſhare in that conſpiracy.

Now it ſeems to me that one conſpirator addreſſing a paper to another conſpirator, having relation to that conſpiracy, (not merely a bare deſcription to a ſtranger) that one of them addreſſing that paper to the other is an act complete in that ſingle conſpirator, although that paper ſhould be intercepted, or although it never ſhould reach that perſon for whoſe peruſal it was intended; that diſtinguiſhes this from the other caſe; it is a different act in one, though it does not reach the other in that ſenſe; it is an act by one of the Conſpirators, which in order to ſhew the nature and tendency of that Conſpiracy may be read as againſt any other.

Mr. Baron Hotham. I remain of opinion that in the laſt caſe, the letter then offered in evidence ought not to have been ſuffered to be read. That letter, however, I conſider as a very different letter from this; it was encloſing ſome ſongs, ſuppoſed to have been ſung at a meeting, ſent to a totally indifferent perſon, and that was all that it contained. This letter is written by a man who has been proved to be the Chairman of the Meeting at the Globe Tavern; it is ſtated to be written to, though not received by, Margarot, who has been proved to be the Delegate ſent by that Meeting into Scotland; and it is ſtated to contain matters reſpecting his particular miſſion to Edinburgh. It is ſtated to contain matters of incitement, and encouragement to him to proceed in the cauſe in which he was engaged; namely, in the cauſe in which he was engaged by the procurement, by the conſent, and by the direction of that Meeting in London; and that Meeting in London has been proved to be compoſed of the priſoner at the bar, of the writer of this letter, and his correſpondent to whom it was intended to be ſent, together with many others.

Now, therefore, I do conſider this as ſtrong evidence, to ſhew that one of that meeting ſo blended together as they are with the priſoner, ſending ſuch a letter tending to incite and encourage their own delegate to proceed in the buſineſs, upon which they had particularly ſent him, and for which they had eſpecially commiſſioned him and empowered him to act, ought to be admitted as evidence to prove the ſenſe of theſe conſpirators, who were alſo proved to have been together upon that day.

Mr. Juſtice Buller. The caſe to which I alluded juſt now was, that of Lord William Ruſſel, where my Lord Howard, in his examination, goes very much at large into evidence of what paſſed between him and Lord Shafteſbury; and in parts of that evidence he goes on to ſay that he ſuppoſed theſe things were told to Lord Ruſſel; that Lord Ruſſel properly objects to: he ſays it is hearſay, and does not affect him, but it is part of the evidence which is given, and you find much relied upon by the Chief Juſtice in ſumming up to the Jury, with a view to that queſtion which I juſt now ſtated, as the firſt which preſſes in point of order, and which queſtion in my opinion, is always to be diſtinct from

from the ſecond queſtion; namely, whether it does or does not immediately affect the priſoner. The evidence given there by Lord Howard is, that in a converſation with Lord Shafteſbury, he aſked him what forces he had, to which Lord Shafteſbury anſwered, that he had enough, that ten thouſand briſk boys were ready to follow him whenever he held up his finger.

When this is ſummed up the Chief Juſtice ſtates it to the Jury, repeating theſe words, as evidence of a conſult, but that it does not affect Lord Ruſſel.

Then how ſtands the caſe here? The firſt queſtion to be made out is, that there was ſome conſpiracy to affect the life of the King;—To make out that queſtion you muſt go into evidence of what was done by other perſons. When eſtabliſhed, I agree that that would not affect the Priſoner, but it is neceſſary firſt to ſhew that there was ſuch a conſpiracy on foot, and then you go on to the ſecond queſtion, to ſee whether there is or is not evidence to prove that this priſoner was acting a part in that conſpiracy. Now it ſeems to me that the queſtion will ſtand a little clearer, if we ſuppoſe that a conſpiracy of the nature contended for on the part of the proſecution had gone on without the intervention of ſuch a Convention, as has been here proved, by perſons who were in the habit of committing their reſolutions to writing, if ſuch a combination had exiſted, how in the nature of things could it be made out, but by the declarations and the converſations of thoſe who were parties to it? And it ſeems to me that the way in which my brother Adair conſidered this queſtion, is a material one; ſuppoſe an equivocal expreſſion were uſed, ſhould not I prove by converſation of perſons there how they underſtood it; it is evidence that they meant that their plan ſhould go to ſuch an extent, then it becomes a ſecondary queſtion, whether the priſoner ſo underſtood it or not; it is an expreſſion equivocal, and if it is proved on the part of the proſecution that ſome meant to go to that extent, it is open to the priſoner to ſay it was not ſo meant by me, nor did I ſo underſtand it. But the queſtion is now not upon the effect of the evidence, but whether it ought or not to be received; and inaſmuch as it goes to the exiſtence of a conſpiracy, it ſeems

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to me that it muſt be received. What effect it will have muſt be conſidered hereafter.

Mr. Juſtice Groſe. I am of opinion this evidence muſt be received for the purpoſe of ſhewing that there was a conſpiracy, and of what nature that conſpiracy was. In this caſe the addreſs has juſt now been produced and read; and in that addreſs it appears that Martin was the chairman, the priſoner, the ſecretary, and that there was a correſpondence both between the priſoner and Margarot, and between Martin and Margarot; that complicates or implicates theſe three perſons in a buſineſs of this ſort. Then is it not very material for us to hear for the purpoſe of ſhewing the nature of the conſpiracy, the extent and the intention of the parties, what one conſpirator writes to the other, reſpecting theſe very acts that are done in the courſe of tranſactions relative to this very plan? And when it is ſaid that this is merely a confeſſion or a writing, I think it is more becauſe we know very well that in many circumſtances of this ſort it has been determined that, *ſcribere eſt agere*; and the writing here is an act, and it is ſuch an act as may ſhew the extent of the plan, that there was a plan, it may ſhew for any thing I know the intention of the parties to that plan. I confeſs, therefore, I am of opinion that this evidence ought to be read.

Lord Chief Juſtice Eyre. Then now you will read it.

Mr. William Walker (Sworn).

Examined by Mr. Garrow.

Q. I believe you are an Attorney?

A. Yes.

Q. Are you acquainted with Mr. John Martin?

A. I am.

Q. Are you acquainted with his character of hand-writing?

A. I am.

Q. Be ſo good as look at that letter, and tell me whether the whole of it in your judgement is his writing, particularly the ſignature, do you believe that to be Mr. Martin's hand-writing?

A. I do.

Q. Be

Q. Be ſo good as look at the ſuperſcription, do you believe that likewiſe to be his hand-writing?

A. I do.

"*Richmond Buildings, Jan.* 22, 1794.

"MY DEAR SIR,

"I dare ſay you think I have forgot you, from my not having "written to you; but you know my ſentiments ſo well that it "was unneceſſary for me, and would probably have been impro- "per to ſay much on the ſubject of your miſſion; and with re- "gard to Lord Edward, I have not been able to get any thing "like a ſettlement. To-morrow is the firſt day of the term, "when I ſhall rule the Sheriff to return the writ of ſum- "mons.

"We had a meeting on Monday. I was in the chair. The "newſpaper gives our numbers at 500, but we were nearer "1500. Every thing was well conducted, that is to ſay, re- "gularly; and the proceedings were tolerably bold. Mr. Hardy, "I dare ſay, has ſent you a copy of the Addreſs and reſo- "lution.

"Your conduct receives univerſal approbation; and though I "at one time dreaded the want of money, yet that is now over. "Thoſe who oppoſed the ſubſcription at firſt, are now putting "their hands to the very bottom of their pockets, and ſwear by "God you ſhall be ſupported with the laſt guinea. We muſt "have another General Meeting in a Chapel or ſome large "place, and declare the purpoſe of a ſubſcription, and, I think, "we ſhall get plenty of the needful for that and other purpoſes. "Have you read my letter to Lord Lauderdale? Do you incline "to try the Writ of Error? What do the Scotch lawyers think "of it? And what do you think of the legal knowledge of my "countrymen? I firmly believe that the law is the only ſcience "of which they know nothing.

"The King went yeſterday to meet his Parliament. They "ſat till ſix o'clock this morning. The papers are not out; but "I am told only twelve Members were for Peace. I am glad

"the

" the Miniſter has ſo great a majority within doors for the War,
" and that the people have a greater majority without doors
" againſt the War. The ſwiniſh rogues had the impudence to
" write, no War, on all the doors and corners of the Houſes of
" Lords and Commons; and they had even the audacity to groan
" and hiſs while his Moſt Sacred Majeſty was paſſing to, and
" from, the Houſe. Nay, I am told, a woman, moved and
" ſeduced by the inſtigation of the Devil, and traitorouſly intend-
" ing, &c. did, in St. James's Park, take off her patten, and
" threw it with all her force at his Majeſty, whereby the glaſs of
" the ſtate-coach was broken, and his Majeſty put in fear. God
" ſave the King, for if, &c. (as Gerrald ſays),

" I am happy to find you are in good ſpirits, ſuffering the mild
" and juſt ſentence of the law. You may remember that I told
" you to be thankful if you were not hanged.

" The ſociety is increaſing rapidly, both in ſpirit and in num-
" bers; and the Rich now begin to come among us, and to ſit
" down with pleaſure among the honeſt men with the leathern
" aprons.

" I could write to you ſtrange things, but I know not but this
" may be read by ſomebody before it comes to your hands, there-
" fore excuſe the nonſenſe.

" I think there is a ſtruggle between Mrs. Margarot and you,
" who ſhall bear this with greater fortitude, and that thoſe who
" ſuffer the leaſt feel the moſt. When I read your letter to the
" General Meeting, I could ſee the tear ſtarting in the eyes of
" the honeſt men to whom it was addreſſed, and the ſucceeding
" groans helped to relieve their ſwoln hearts.

" I think you ſhould execute a Power of Attorney to ſome
" perſon, authorizing him to act for you generally, in caſe you
" ſhould be hurried away. And if you think well of the Writ
" of Error, give me an authority, and I will immediately ſet
" about it.

" Between us, Muir and Palmer have put themſelves into the
" hands of the Oppoſition, who, I fear, will uſe their caſe no
" farther than as an argument to help themſelves into admi-
" niſtration.

" Mrs.

" Mrs. Martin desires me to say more for her than I have " room. Were it not that you are safe enough, and all of us " married, I would almost think her in love; but it is with your " conduct more than your person, adieu. Believe me to be, my " dear Sir,

" Your sincere friend, and
" Fellow-Citizen,
" J. MARTIN."

" Citizen Gay says more than I dare write. You know the " frank sincerity of that Citizen, and if either prayers or any " thing else in his power is wanting it may be depended on.

" *To Citizen Maurice Margarot, Tolbooth, Edinburgh.*"

Mr. John Gurnell. I found this paper at Hardy's house.

It was read.

" *Tolbooth, January* 24, 1794.

" DEAR HARDY,

" I have just received your letter, dated (by mistake I sup- " pose) the 19th, giving me an account of the dinner, of Ramsay, " and inclosing a 10l. note. I thank you, my valuable friend, " for the kind concern you shew; but I wish the society may " not forget me altogether: however, should they, I am deter- " mined to pursue the same line of conduct, even if I must " pursue it alone. I will, however, remark to you in private, " and this letter is meant as a private one, and you may make " what use you think fit of it, that the Sheffield Society have " behaved far differently from our own, towards their delegate, " and even towards his family. If you publish my trial, it " might be necessary to place a print of my handsome figure in " front, if so Mrs. Margarot can furnish you with a miniature, " whence an engraving can be taken; if that is done, pray let " the engraver put into my hand the paper, containing the " questions to the Lord Justice Clerk, and let the last of them " be

" be legible, viz. Did you not ſay, that the mob would be the
" better for loſing a little blood?

" It will have a great effect on the public mind: I was
" going to write a preface to the trial, but on reading the
" account of the meeting at the Globe-Tavern, I thought it
" might be better for the ſociety themſelves to ſay ſomething on
" that head; but I muſt again obſerve, that the Sheffield people
" ſeem more in earneſt than the Londoners. Pray write to
" Norwich: I hope Sutton has paid that bill; if ſo, let Mrs.
" M. ſend me 15l. of it, and after paying you, keep the re-
" mainder: I aſk for that money, becauſe I am in arrears here
" more than the ſociety has ſent me; I will endeavour, if I can
" collect a few of the extraordinary expences, to ſend you a lift
" of them. Since my laſt, we have had an additional padlock
" put upon our door, and the Captain of the Tolbooth is not
" intruſted with the keys at night, but delivers them to the magi-
" ſtrates, and calls for them again in the morning. Every thing
" here ſhews fear on the one hand, and diſcontent nearly ripe on
" the other: here they make no dinners, but yet they meet. It
" appears, that worthy Skirving was unnoticed in your cups;
" the Scotch ladies, however, are more kind than the London
" Correſponding Society; and in the effects of their regard for him,
" I partake. Gerrald is not yet arrived. I ſent the ſociety (by the
" way of Sheffield) a copy of Scott's indictment; they will make
" what uſe they think proper of it. Has Martin done any thing for
" me? The Duke of Portland, now that he joins miniſtry, and
" coaleſces with the landed gentlemen, ought to pay that bill
" for his brother, Lord Edward Bentinck, or they both ought to
" be expoſed to the world, and the abuſe of parliamentary ſcat-
" jobbing made more public. Armed aſſociations are, I per-
" ceive, now ſet on foot by the rich, wherefore ſhould not
" the poor do the ſame? Are you to wait patiently until
" 20,000 Heſſians and Hanoverians come to cut your throats?
" —and will you ſtretch forth your necks, like lambs, to
" the butcher's knife, and, like lambs, content yourſelves
" with bleating. Pray let me hear from you ſoon; re-

" member

" member me to Moffatt, Muir, Palmer, and all ſuffering " brethren."

" Your's,

" M. M."

" Pray deliver the incloſed, and ſhew her this."

" *Mr. Thomas Hardy, No. 9, Piccadilly, London.*"

Mr. John Gurnell. I found this paper at Hardy's houſe.

It was read.

" *Briſtol, January* 28, 1794.

" FELLOW-CITIZENS,

" I am again authorized to write to you, ſignifying the grati- " tude of our ſociety for your ſecond epiſtle, which came to my " hands the 3d inſtant. After reading its contents, I collected " as many of our friends as I conveniently could that evening:— " we read—we bluſhed—we took courage; we did more, for " we reſolved on re-aſſembling, as we had appointed prior to " the determination we announced in our laſt. We intend pub- " liſhing an addreſs, or ſomething declaratory of our ſentiments, " with all convenient ſpeed: as ſoon as this is effected, we ſhall " ſend a copy or copies to you. From the Courier and Evening " Gazette, we have had information of the trial of Mr. Margarot, " and his ſentence to fourteen years tranſportation. We are by " no means at a loſs in forming a judgment of the noble cauſe in " which he, with others, are embarked, nor would we be " frightened at ſuch ſentences. You ſee, citizens, your ſecond " epiſtle has quickened our courage, and vivified our patriotiſm, " and rouſed us to reſolution; and more, our number is now " conſiderably increaſed. Perhaps your third epiſtle may do " greater things ſtill: we are ſenſible 'tis a noble—'tis a vir- " tuous—'tis a godlike and immortal cauſe in which we are now " mutually embarked; and though, for parts, our effort can be " but a feeble one, yet the cauſe we eſpouſe is mighty—is ener- " getic:—it will finally prevail and proſper. It is our firm " opinion, could we but arouſe them, that patriots would become

" nearly

" nearly the majority of our city. We expected to have had the " dozen of the Engliſhmen's Rights, which you mentioned in " your firſt epiſtle.—Hope you will ſend them ſpeedily.

" We are, Fellow-Citizens,

" Your's, ſincerely,

" The BRISTOL SOCIETY for

" CONSTITUTIONAL INFORMATION, &c."

" *Mr. Thomas Hardy, No. 9, Piccadilly, London.*"

Mr. Garrow. Here are a great number of printed circular letters.

Mr. Edward Lauzun. I found them at Hardy's houſe.

One of them was read.

" CITIZENS!

" The critical moment is arrived, and Britons muſt either " aſſert with zeal and firmneſs their claims to liberty, or yield " without reſiſtance, to the chains that miniſterial uſurpation is " forging for them. Will you co-operate with us in the only " peaceable meaſure that now preſents itſelf with any proſpect " of ſucceſs? We need not intimate to you, that notwith- " ſtanding the unparalleled audacity of a corrupt and over- " bearing faction, which at preſent tramples on the rights and " liberties of the people, our meetings cannot in England be " interrupted without the previous adoption of a Convention- " bill, a meaſure it is our duty to anticipate, that the ties of " union may be more firmly drawn, and the ſentiments and " views of the different ſocieties throughout the nation be com- " pared, while it is yet in our power, ſo as to guide and direct " the future operations of the friends to freedom. Rouſe then " to one exertion more; and let us ſhew our conſciouſneſs of " this important truth: 'If we are to be beaten down with " threats, proſecutions and illegal ſentences, we are unworthy " —we are incapable of liberty.' We muſt, however, be " expeditious: Heſſians and Auſtrians are already among us; " and, if we tamely ſubmit, a cloud of theſe armed barbarians

" may ſhortly be poured in upon us: let us form then another " Britiſh Convention; we have a central ſituation in our view, " which we believe would be moſt convenient for the whole " iſland; but which we forbear to mention (intreating your " confidence in this particular) till we have the anſwer of the " ſocieties with which we are in correſpondence. Let us have " your anſwer then, by the 20th at fartheſt—earlier, if poſſible, " whether you approve of the meaſure, and how many delegates " you can ſend, with the number alſo, if poſſible, of your " ſocieties.

" We remain yours,

" In civic affection,

" The LONDON CORRESPONDING SOCIETY.

" *THOMAS HARDY, Secretary.*"

" For the management of this buſineſs we have appointed a " ſecret committee; you will judge how far it is neceſſary for " you to do the ſame."

Alexander Grant ſaid, he believed the following letter to be the priſoner's hand-writing.

It was read.

" *London, March* 12, 1794.

" CITIZEN BUCKLE,

" I have juſt time to inform you, that I ſaw our worthy " delegate, Citizen Margarot, laſt Friday, on board the Surprize " Tranſport, at Spithead, about five miles from Portſmouth " Harbour.—He is in good health and high ſpirits, no ways " depreſſed, although Providence ſeems to frown;—he is con- " ſcious of having broken no law in this country, but only doing " his duty, as every good Citizen is bound to do, for promoting " the happineſs of his fellow men, by oppoſing every meaſure, " and any man, that wantonly violates all laws, human and " divine.—He has the conſolation in his own breaſt, as every " honeſt man will have, when he reflects, that he is not ſuffering " for evil doing, although the enemies of mankind are puniſhing " him as an evil doer;—but, according to human appearance,

" the reign of the Beaſt of Civil and Eccleſiaſtica Power " is almoſt at an end.—Thanks to the Supreme Rulr of the " Univerſe for his great goodneſs hitherto, and the brigh proſpect " before us.

" I delivered the twenty pounds you gave me for hir uſe, into " his hand;—it was very ſeaſonable.—This moment a friend has " ſhewn me a letter from Muir, informing him, that the convoy " has hoiſted her ſignal for ſailing; and I am afraid, by this " time, they are gone from Portſmouth; if ſo, they are without " many neceſſaries that were preparing for them.—I ſaw the " Captain; he appears to be a very good kind of man, and " bears an excellent character.—I hope you will excuſe me " entering into detail any further, for I have not another minute " to ſpare.—If any friend you can truſt come to town, I will " give him a full account.—What think you of a Convention?

" Farewell.

" *THOMAS HARDY.*"

Mr. John Gurnell. I found theſe papers at Hardy's houſe.

They were read.

" FELLOW CITIZENS,

" The Society in Strathaven received your circular letter " ſometime ago, reſpecting another Britiſh Convention, to be " held in England; and finding it would be inconvenient for " them to ſend a delegate for themſelves alone, the cauſe being " much ſuppreſſed here by proſecutions, which we are ſubjected " to from the petty Sheriffs in our neighbourhood, we have " united ourſelves with the ſocieties in Kilmarnock, Galſton, " Newmills, and Dorvill; accordingly a meeting of delegates " from theſe ſocieties, and that in Strathaven, was convened on " the firſt current, where the meaſure met with the fulleſt ap- " probation, and a delegate was elected for the General Con- " vention, and a Secret Committee appointed to conduct the " buſineſs.—You will, therefore, forward your orders to us, " when and where the Convention is to meet with any other " inſtructions or information you may judge neceſſary; we ſhall

" inſtruct

" inſtruct our delegate, reſpecting the number and ſtrength of
" our ſocieties, and are happy to fraternize with you in any thing
" that may tend to promote the general good.

" We remain your's,

" *Strathaven*, " In the cauſe of Liberty,

" 9*th April*, 1794. " For the United Societies as above,

" *ALEX. MITCHELL, Secretary.*

" *For the London Correſponding Society.*

" Direct to Alex. Mitchell, Manufacturer,

" Strathaven, County of Lanark.

" *Mr. T. Hardy, Shoemaker,*

" *No.* 9, *Piccadilly, London.*"

" NEWCASTLE-UPON-TYNE, 24*th April*, 1794.

" By deſire of a number of friends to a radical reform in the
" Conſtitution here, I make free to trouble you.—We live in a
" place where an Ariſtocrat Magiſtracy endeavours to ſtop the
" genial and benign Spirit of National Liberty from ſpreading,
" notwithſtanding a very great number are found here that dare
" aſſert the natural and unalienable Rights of Man, and bear
" their teſtimony againſt the tyrannical encroachments of
" aſſumed power on thoſe rights.—A good number have formed
" themſelves into ſocieties, and meet weekly, admitting none
" but known friends; and have aſſumed no name but that of
" News-paper Companies; theſe were in great ſpirits while the
" Britiſh Convention continued to act, but after their ſuppreſſion,
" a damp was caſt on the whole.—Subſcriptions were ready to
" be ſent off the very night they were ſuppreſſed, and the
" Gazetteer ſtopped, which has ſince been remitted to London,
" for the uſe of the perſecuted worthies, Muir and Palmer.—
" Being charmed with your maſterly and bold approbation of the
" conduct of your Delegates and noble Martyrs for Truth,
" Margarot and Gerrald, and find your name ſigned Secretary
" to the Correſponding Society, we wiſh to copy your example;
" and beg, if you think us worth your notice, give us your

" views and intentions, as ſoon as convenient, which, I hope, " will be a means to ſtimulate and increaſe our numbers. Leſt " this ſhould not come to you, as I have an uncertain direction, " I forbear troubling you more at preſent, in hopes of being " favoured with your future correſpondence.—Farewell, hoping " the hydra of Tyranny and Impoſition ſhall ſoon fall under the " guillotine of Truth and Reaſon.

" Your's, with all due reſpect, &c.

" *Mr. Harding, No.* 9, *or* 19, *Piccadilly, London.*"

Mr. Garrow. This, which was found in Hardy's poſſeſſion, purports to be an anſwer to the laſt.

" *1ſt May*, 1794.

" CITIZEN,

" It is with pleaſure the London Correſponding Society hear " that a ſociety on a ſimilar plan, and with the ſame patriotic " objects in view, is likely to be eſtabliſhed at Newcaſtle upon " Tyne. If ever a criſis arrived that required the exertions of the " people to ſtop the torrent of corruption, infamy, and deſpotiſm " that ſeems likely to overwhelm them, it is the preſent. In " God's name, then, let us uſe theſe exertions. We are called " upon by every thing that is dear to us, as men and as Chriſtians. " The cauſe of truth and liberty muſt finally be omnipotent; " therefore doubt not that the glorious reign of liberty and " equality will ere long be eſtabliſhed; and modern govern- " ments, with every appendage of wickedneſs and corruption, " will flee, in time, from their genial influence, as beaſts of prey " to their dens of rapine and darkneſs from the riſing ſun. The " London Correſponding Society have beheld with indignation " the rapid advances of deſpotiſm in Britain, and are ready cor- " dially to unite with every other ſociety in the three kingdoms, " who have for their object a full and effectual repreſentation of " the people; they therefore have deputed ſix of their members to " meet ſix of the members of the Society for Conſtitutional " Information, to form a committee of correſpondence and co- " operation. This committee meets regularly twice a week, " at No. 2, Beaufort Buildings, Strand, where any member dele-

" gated

" gated by your ſociety will meet with every information re-
" quired. We incloſe you a few of our Reſolutions entered into at
" our General Meeting, on the 14th of April, which will be
" ſufficiently explanatory of our ſentiments and views. We
" heartily unite with you in wiſhing that the hydra of Tyranny
" and Impoſition may ſoon fall under the guillotine of Truth and
" Reaſon."

" *Briſtol, 24th April*, 1794.

" FELLOW CITIZEN,

" You may be ſenſible, from our laſt communication, that, in
" the infancy of our patriotic efforts, we had many difficulties to
" overcome, and many ſtrong prejudices to combat. We laid
" open to you our real ſituation; we told you our determination
" to addreſs the public, and aſſured you of our unalterable perſe-
" verance in the glorious cauſe of freedom.—This perſeverance,
" however, and theſe exertions of an individual ſociety, can but
" little avail, if the ſocieties in the different parts of the kingdom
" are in themſelves diſunited, or do not aid and aſſiſt each
" other, agreeable to the principles of philanthropy and fraternity
" which they ſo warmly profeſs. Under this idea, we conceive
" ourſelves treated with a degree of inciviſm, by your ſociety not
" anſwering our laſt letters; the reaſons may be good.—At pre-
" ſent, we are candid enough to confeſs that the circumſtance
" does not appear to us in the moſt favourable point of view.
" Our Addreſs, of which we ſend you a few copies, we find to
" have a good effect, and is likely to beget us the aſſiſtance of
" many friends, while our enemies acknowledge there is ſome-
" thing very fair and reaſonable in the production. This is an
" abſolute victory; and we have reaſon to congratulate ourſelves
" on the proſpect of ſucceſs it opens to us. With a mixture of
" pain and pleaſure, we ſaw an account of your laſt General
" Meeting. We lament that the ſtrong hand of Deſpotiſm ſhould
" ſo often interfere to prevent the aſſertion of the rights of the
" people, while we rejoice in your manly conſtitutional per-
" ſeverance, and applaud and approve your reſolution of forming
" another general convention. Our increaſing numbers give us

" every reaſonable hope of ſoon being able more effectually " to co-operate with you; while, for the reaſons formerly ſtated, " we cannot yet make a poſitive promiſe on that head. We hope " for an immediate anſwer. Favour us with your opinion of our " Addreſs, and tranſmit a ſketch of your plan reſpecting the " general convention.

" By order of the Committee of Delegates appointed by " the Briſtol Conſtitutional Society.

" *Thomas Hardy, No.* 9, *Piccadilly, London.*"

[*No ſignature.*]

Norwich Societies, 29th April, 1794.

" CITIZEN HARDY,

" It is with great ſatisfaction we view the manly conduct of " you and your colleagues, eſpecially when ſurrounded, as you " are, by a domineering ariſtocracy, who, notwithſtanding their " great bluſter, are but chicken-hearted; witneſs our Norfolk " Quixotes, who, after being completely foiled at the County " Meeting, were determined to ſubſcribe to ſupport an armed " ariſtocracy. But pray tell it not in the metropolis, that a " Noble Marquis ſubcſribed no more than £. 200, and another " high-penſioned Lord but £. 100; an Alderman and Leader, " and very fierce for church and king, the enormous ſum of £. 20: " theſe are the men who are ready to ſpend their lives and for- " tunes—But enough of ſuch privileged beings. We ſhould be " glad to know whether the friends of the people conſent to a " convention, and whether they will take an active part.

" Pleaſe to accept of a few of our bills. We ſhould eſteem it " a favour that you would ſend us a few of your late De- " clarations.

" *P. S.* Many of our friends are fully convinced of the ne- " ceſſity, legality and rationality of a convention: but, query, " whether the time be expedient.

" *JAMES BAGG, Chairman.*
" *I. SAINT, Secretary.*"

" *Hereford,*

" *Hereford, May 12th*, 1794.

" SIR,

" I have repeatedly ſeen your name in the newſpapers, as Se-
" cretary to a certain inſtitution called the London Correſponding
" Society. But from my inquiries in the country, I have not
" yet been able to acquire a knowledge of the rules of the
" ſociety, nor the preciſe purpoſe for which it has been
" eſtabliſhed. If their deſign is to increaſe the knowledge of
" the community, I really think it laudable and ſeaſonable, and
" ſhould be glad to avail myſelf of their information. I have
" therefore troubled you with this letter, requeſting ſome account
" of the rules of the ſociety, the object they have in view, and the
" means they purſue to obtain it. Any information of this ſort
" would be extremely gratifying to,

" Sir,

" Your moſt humble ſervant,

" *JOSEPH POWELL.*

" Addreſs to Joſeph Powell, Surveyor; to be left at the
" Sun Tavern, Hereford.

" *Mr. Hardy, No. 9, Piccadilly, London.*"

" Poſt paid."

" FELLOW CITIZEN,

" In anſwer to your letter dated the 12th ult. I am deſired to
" inform you, the London Correſponding Society have in view
" not only the glorious deſign of increaſing the *knowledge* of the
" community, but of *redreſſing* their *grievances*. This they
" hope to do by ſtraining every nerve in union with other ſocieties
" already eſtabliſhed, and eſtabliſhing, in every part of the king-
" dom, to procure *univerſal ſuffrage*, and *annual parliaments*, as
" the only likely means to annihilate the preſent moſt abominable
" ſyſtem of corruption, and to ſtop the rapid advances of
" Deſpotiſm—a monſter whoſe hideous features need only be ex-
" poſed to render it an object of univerſal terror and deteſta-
" tion, but whoſe gaudy trappings have too long dazzled the
" eyes of our countrymen.

" To expoſe vice, to paint virtue in its true colours, to acquaint " our fellow citizens with their deareſt rights, *the rights of man*; " and, by a brotherly union, give them an opportunity of de- " *manding* thoſe rights, are the " *means*" we uſe; and we doubt " not, but in exerting thoſe means, we are doing our duty to " God and our country; for, as Pope ſays,

" Jove fixt it certain, that whatever day
" Made man a ſlave, took half his worth away."

" We invite you, and your fellow citizens, to join with us in " the ſame glorious cauſe. From us you may depend on every " information and aſſiſtance; the mode of obtaining which, you " will ſhortly learn by a circular letter.

" *T. HARDY, Secretary.*

" Herewith you receive a few of the proceedings of our laſt " General Meeting.

(Indorſed) " Copy of anſwer to Hereford."

Mr. Garrow. I now propoſe to read a letter from a ſociety at Sheffield, addreſſed to the priſoner, it does not appear that any part of it is in his hand-writing; it is found in the poſſeſſion of Thelwall, who, as your Lordſhip recollects, appears to have been in ſome inſtances an agent of that London Correſponding Society of which Hardy was Secretary.

Mr. Erſkine. The principle upon which the laſt piece of evidence was admitted was very diſtinctly ſtated by your Lordſhips, that it might be evidence to ſhow a conſpiracy ſo called, yet would not go to affect the priſoner unleſs it could be brought home to him. The only remark I make upon this is, how does it appear to be the ſame Sheffield Society with which this Society was in correſpondence? Is it written in the ſame hand-writing? Does it profeſs to be written by the ſame perſon who before correſponded with the Priſoner?

Mr. Garrow. We do not ſtate this is the Sheffield ſociety with which they correſponded; I ſtate it to be from a ſociety at Sheffield with which town they were in correſpondence, ſigned

ſigned by a perſon purporting to be a Secretary; but if my Friends object to it, we will not trouble them to argue it.

Mr. Erſkine. I certainly do object to it.

Lord Chief Juſtice Eyre. I think this letter is in a different ſituation from the other. It is a letter purporting to come from one of theſe ſocieties; it is addreſſed to the Priſoner, and it is found in the hands of a perſon affected by the evidence, at leaſt to involve him in this conſpiracy.

Mr. William Tims (Sworn.)

Examined by Mr. Garrow.

Q. Are you one of his Majeſty's Meſſengers?

A. Yes.

Q. Did you ſeize any papers at the houſe of Thelwall?

A. Some few that were on his perſon.

Q. You put your name on thoſe that you ſeized?

A. I did.

Q. Is this one you found upon Thelwall?

A. It is.

The letter read.

" *Sheffield, May 11th*, 1794.

" FRIEND AND FELLOW CITIZEN,

" The friends of peace and reform in Halifax, having held a " General Public Meeting in the open air, on Monday, April " 21ſt, 1794, at which were many friends from Leeds, Wake- " field, Huddersfield, Bradford, and the adjacent neighbourhood, " the friends of Freedom after the meeting agreed to hold a " General Meeting of delegates at Briſtol, in order to conſider " on the meaſures to be adopted by them, preparatory to a Ge- " neral Convention, after which our worthy friend Citizen " ---------, of Halifax, being ordered to Sheffield, to get the " Proceedings of the Meeting printed, and conſult with us " upon the ſubject, they were adviſed by us to defer at pre- " ſent the meeting of delegates until further information from " you on that ſubject; I was, therefore, ordered at our laſt " Committee Meeting to write to you, requeſting the favour of " as early intelligence as poſſible on that important buſineſs.

" We

" We are not in the leaſt intimidated in Sheffield, as we can " call and hold a public Meeting whenever circumſtances ren- " der the ſame neceſſary; beſides in the houſe, where I reſide, " we have a large commodious room, where the Society can " peaceably meet in rotation.

" By order of the Committee,

" WILLIAM BROOMHEAD, SECRETARY."

Mr. William Scott again called.

Mr. Garrow. Was this paper found in the poſſeſſion of Mr. Skirving.

A. Yes.

The paper read.

" The delegation from Glaſgow moves, that the Convention " take into their conſideration, the nature and extent of a " Reſolution adopted by their conſtituents, and by moſt of the " other ſocieties in Scotland, and afterwards ratified and approved " of at the General Convention held at Edinburgh, in Decem- " ber, 1792; the import of which was, that if any member of " their ſociety, aſſociated for the purpoſe of obtaining a Parlia- " mentary Reform ſhould, while, in the legal proſecution of " that object be oppreſſed or perſecuted by the arm of power, " they ſhould not only meet with the aſſiſtance of the ſociety " to which they belong, but alſo with the united efforts of all their " brethren in Scotland.

" Since the above period, however, we are ſorry to ſay, ſe- " veral of our members have been perſecuted, and that in a " moſt wanton manner; and the above Reſolution (which if " duly put in force, would, we humbly apprehend, have the " happy effect of emboldening thoſe who have already come " forward, and of encouraging others who have not yet taken " any active part to unite their efforts in the general cauſe) " has never yet been attended to.

" We therefore humbly move, that the Convention take into " conſideration the above particulars, and conſider what mea- " ſures may be moſt conducive towards the performance of the

" obligation

" obligation we lye under, in conſequence of that Reſolution, " and thereby ſhew to the world, that we are not unmindful of " thoſe who have already ſuffered, or may in future ſuffer, in " their Country's Cauſe.

" By order of the Delegation,

" JOHN GARTLY.

" *Edinburgh, October* 30*th*, 1793."

Mr. Edward Lauzun again called.

Mr. Garrow. Where did you find this paper?

A. In Mr. Hardy's houſe.

The paper read.

" SIR,

" Your letter of the 14th inſtant addreſſed to the chairman of the Society for Conſtitutional Information, was read at the laſt Meeting, and I have the pleaſure to ſend you their reſolution on the ſame.

" I have the honor to be, Sir,

" Your moſt obedient ſervant,

" D. ADAMS,

Secretary to the Society for Conſtitutional Information.

" *Poſtle Court, June* 19, 1792."

" At a Meeting held Friday, June 15th, 1792.

" Reſolved,

" That the Secretary be deſired to inform the Secretary of the " London Correſponding Society, that this Society receive their " propoſal with pleaſure, and are willing to admit ſuch ſix of " the members whom they ſhall nominate, to be aſſociated mem- " bers of this Society.

" By direction of the Society, you will receive 200 printed " Reſolves on the late proclamation.

" *London Conſtitutional Society.*

" Addreſſed to Mr. Hardy."

Indorſed. " Received June 19, 1792, with 200 copies of their Reſolutions on the proclamation.

" And acquainting us they would admit ſix of our Members."

A paper

A paper ſhewn to Alexander Grant which he ſaid he believed to be the Priſoner's hand-writing.

Mr. Garrow. This ſeems the beginning of the connection of the two Societies.

The letter read.

" SIR,

" In the name of the London Correſponding Society, I have " to return thanks to the ſociety for Conſtitutional Information, " for their preſent of 200 copies of their reſolutions, reſpecting " the King's proclamation; as alſo for the 200 copies of Mr. " Paine's letter, &c. Likewiſe Mr. Paine's letter to Mr. Se- " cretary Dundas; by care, in the diſtribution of them, thoſe " 600 papers ſhall be ſeen by as many thouſand perſons.

" We find ourſelves highly favoured by your readineſs to ad- " mit ſix of our Members among you. I am directed to forward " to you the following ſix names, as the perſons choſen by our " ſociety for that honourable purpoſe; our ſenſe of the favour " ſo conferred, will be beſt expreſſed by their cloſe attendance " at your inſtructive Meetings, and conſtant endeavours to for- " ward the ſo beneficial and ſo much wanted Reform of Parlia- " mentary repreſentation.

" I am, Sir,

" *July* 6, 1792. " With great reſpect,

" *Mr. D. Adams.*" " Your very humble Servant,

" THOMAS HARDY SECRETARY."

" The ſix perſons choſen were Mr. Hardy, Mr. Margarot, Mr. " Richter, Mr. Littlejohn, Mr. Grant, and Mr. Gow.

Mr. Daniel Adams (Sworn).

Examined by Mr. Bower.

Q. I think you were ſome time Secretary to the Conſtitutional Society?

A. Yes.

Q. Were theſe the books in which their proceedings for ſome time were entered?

A. Yes.

Q. Are the entries of the proceedings of the Society regularly made in theſe books?

A. Yes.

The

The following proceedings were read from one of the books.

" At a Meeting held at the Crown and Anchor Tavern, " Strand, Friday, July 13, 1792.

" PRESENT,

" Mr. John Martin in the chair.

" Mr. Tooke, Mr. Froſt, Mr. Bonney, Mr. Paine, Dr. Max-
" well, Mr. Hull, Mr. Sharpe, Mr. Pearſon, Dr. Kentiſh,
" Mr. Sturch, Mr. Conſtable, Mr. G. Williams, Mr. Rim-
" ington, Captain Harwood, Mr. Buſh, Mr. Buſh, junior,
" Mr. Choppin, Mr. Bakewell, Mr. Hind, Lord Sempill,
" Mr. Jennings, Mr. Balmanno, Mr. Fitzgerald, Mr. Adams,
" Mr. J. Williams, Mr. Chatfield.

" The following ſix gentlemen recommended by the Lon-
" don Correſponding Society, to be aſſociated members of this
" Society, were unanimouſly elected."

" Mr. Hardy, Mr. Margarot, Mr. Richter, Mr. Littlejohn, Mr.
" Grant, and Mr. Gow.

" At a Meeting of the Society for Conſtitutional Information,
" held at the Crown and Anchor Tavern, Strand, Friday, July
" 20th, 1792.

" PRESENT,

" Mr. Froſt in the Chair, Mr. I. H. Tooke, Lord Sempill, Dr.
" Edwards, Mr. Bonney, Mr. W. Sharpe, Mr. J. Williams,
" Mr. G. Williams, Mr. Choppin, Mr. Bailey, Col. Keating,
" Mr. Buſh, Mr. Sturch, Mr. Balmanno, Mr. Aſpinal, Mr.
" Buſh, jun. Mr. Gow, Mr. Hardy, Mr. Grant, Mr.
" Moore, Mr. John Martin, Capt. Perry, Rev. Dr. Towers."

" The Committee appointed to take into conſideration Mr.
" Paine's letter, reported that they think it will not be adviſable
" for the Society to undertake the truſt.

" Reſolved, That the ſaid Committee be now diſſolved.

" Reſolved, That a Committee be appointed to conſider of the
" manner in which the Society ſhall communicate to Mr. Paine
" their determination concerning his offer of £. 1000, in truſt, to
" be applied as the Society ſhall think proper.

" Reſolved,

"Resolved, That the said Committee consist of Mr. Bush, "Rev. Dr. Towers, Capt. Perry, Mr. I. H. Tooke, Lord Semple, Mr. M. Bush, Mr. W. Sharpe, Mr. Choppin, and Mr. "Balmanno; and that the said Committee meet at six o'clock, "at the Crown and Anchor Tavern."

Mr. Bower. These books were among the papers that were seized at your house by the Messenger?

A. Yes.

Q. Were these books open to the inspection of the Society when the Society were sitting?

A. They were on the table.

Q. Open to the inspection of the members?

A. If they thought proper.

Q. Were they ever read?

A. The minutes of the former meeting were generally read the first thing in the proceedings of the next.

ERRATA.

Page 34, *line* 26, *read* at his coronation, by which he promises and swears.
Page 38, *line* 14, *for* our, *read* your.
Page 40, *line* 26, *for* alluding, *read* according.
——— *line* 27, *read* to say that they could be capable.
Page 45, *line* 3, *read* in this respect cannot but.
——— *line* 9, *after* is, *instead of a Semicolon, insert a Period.*
Page 62, *line* 26, *read* in this respect.
Page 63, *line* 2, *for* of *the* King, *read* of the King.
Page 64, *lines* 18 *and* 19, *dele* but in which.
Page 75, *line* 25, *for* dependancy, *read* dependance.
Page 80, *last line but one, for* invited the affiliation, *read* invited affiliation.
Page 103, *line* 12, *for* it, *read* them.
Page 116, *line* 13, *for* why, *read* it was.
Page 121, *line* 25, *after* people, *insert a Period.*
Page 139, *line* 23, *read* which is not yet mature.
Page 184, *line* 24, *read* having or claiming.
Page 246, *line* 19, *for* oppressions, *read* oppressors.
Page 363, *line* 30, *dele* "that."
Page 371, *line* 2 *from the bottom, insert a Comma after* intemperate, *and dele the Comma after* expressions.
Page 376, *line* 9, *for* press, *read* pass.

THE END OF THE FIRST VOLUME.

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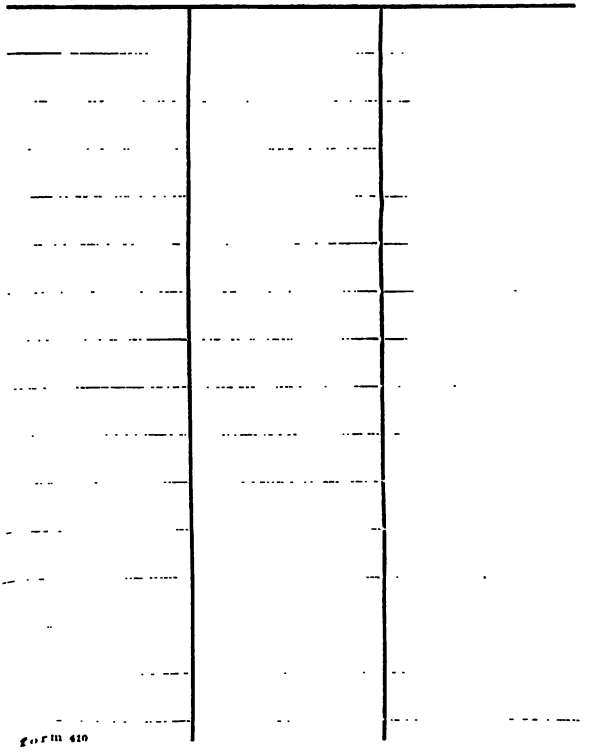

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